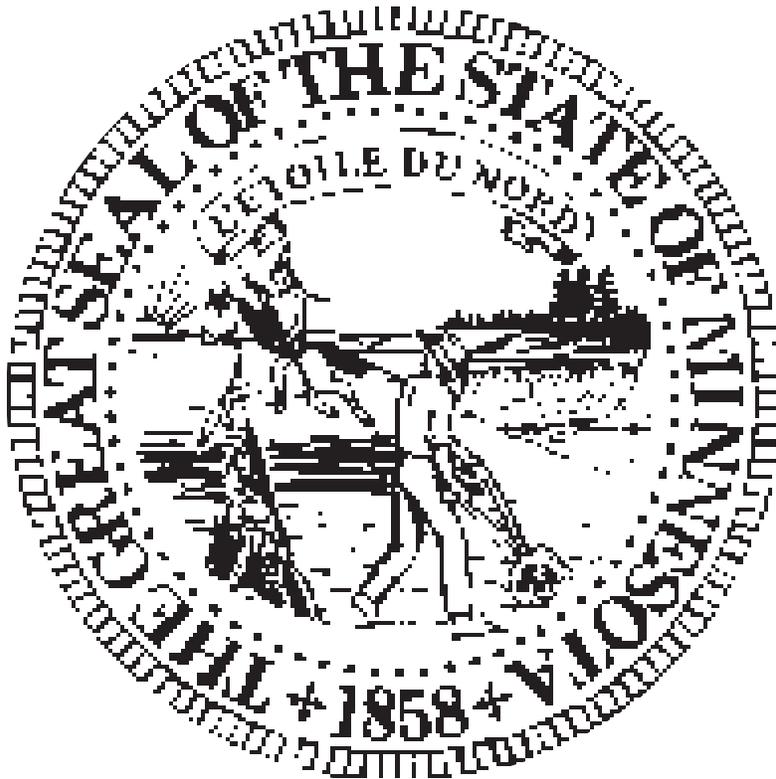


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State Register

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. 22 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
# 31	Monday 2 February	Friday 16 January	Monday 26 January
# 32	Monday 9 February	Monday 26 January	Monday 2 February
# 33	Tuesday 17 February	Monday 2 February	Monday 9 February
# 34	Monday 23 February	Monday 9 February	Friday 13 February

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FOR LEGISLATIVE NEWS

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

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

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

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Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 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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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 Economic Security

Proposed Permanent Rules Relating to Rehabilitation Services; Extended Employment Program

Notice of Hearing In the Matter of the Proposed Adoption of the Rules of the State Department of Economic Security Governing Extend Employment Programs, *Minnesota Rules* Parts 3300.2005 to 3300.3050.

Notice of Hearing. The Department of Economic Security intends to adopt rules following a public hearing following the procedures set forth in *Minnesota Statutes* §§ 14.131 to 14.20 and *Minnesota Rules* Parts 1400.2000 to 1400.2240. The hearing will be held on **March 5, 1998**, in the Wabasha Suite of the St. Paul Radisson Hotel, 11 E Kellogg Boulevard, St. Paul, beginning at 9:00 A.M. and continuing until the hearing is completed. Additional days of hearing will be scheduled if necessary. All interested or affected persons will have an opportunity to participate by submitting either written or oral data, statements, or arguments. Statements may be submitted without appearing at the hearing.

Administrative Law Judge. The Administrative Law Judge assigned to conduct the hearing is Bruce H. Johnson. Judge Johnson can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis 55401-2136, Telephone Number 612/341-7666, FAX: 612/349-2665. Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge.

Subject of Rule and Statutory Authority. The proposed rule relates to the Extended Employment Program. The statutory authority for these rules is *Minnesota Statutes*, §§ 268.021, 268.0122, subdivision 5, 268A.03(m), and 268A.15, Subdivision 3. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

Agency Contact Person. Comments or questions on the proposed rule must be submitted to:

David Sherwood-Gabrielson
390 North Robert Street
St. Paul, MN 55101
Telephone Number: 612/296-9150
Fax Number: 612/297-5159
TTY 612/296-3900
E-mail: david.sherwood-gabrielson@state.mn.us

Alternative Format. The proposed rules, this notice of intent to adopt rules, and the statement of need and reasonableness are available in braille, large print and audio tape upon request from the agency contact.

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

Proposed Rules

Statement of Need and Reasonableness (SONAR): A SONAR is now available for review at the agency contact person's office and at the Office of Administrative Hearings. This statement describes a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rule and an estimate of the probable cost of the proposed rules. The statement may be reviewed and copies obtained for the cost of reproduction from either the agency contact person or the Office of Administrative Hearings.

Comments. You and all interested or affected persons, including representatives of associations and other interested groups will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rule. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five day period may be extended for a longer period, not to exceed 20 calendar days, if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five working day response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be presented during the five day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings.

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

Accommodations. If you need an accommodation to make this hearing accessible, please contact the agency contact person at the address stated above.

Modifications. The proposed rules may be modified as a result of the rule hearing process. Modifications must be supported by data and views presented during the rule hearing process, and the adopted rule may not be substantially different than this proposed rule. If the proposed rule affects you in any way, you are encouraged to participate.

Adoption Procedure After a Hearing: After the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rule. You may request to be notified of the date on which the Administrative Law Judge's report will be available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date the agency adopts the rule and files it with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings, and can make this request at the hearing or in writing to the agency contact person listed above.

Lobbyist Registration: *Minnesota Statutes* § 10A requires each lobbyist to register with the Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at First floor, Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155, Telephone number 612/296-5148.

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

Dated: 22 January 1998

R. Jane Brown, Commissioner
Department of Economic Security

3300.2005 DEFINITIONS.

Subpart 1. Scope. When used in parts 3300.2005 to 3300.2055, the terms defined in this part have the meanings given them.

Subp. 2. Accreditation. "Accreditation" means accreditation by The Rehabilitation Accreditation Commission ... CARF (CARF).

Subp. 3. Advocacy organization. "Advocacy organization" means a public or private nonprofit organization that has a mission statement defining its advocacy for persons with disabilities and does not receive funding for direct employment services to clients.

Subp. 4. Annual survey. "Annual survey" means the yearly survey of department staff, extended employment program providers, consumer and advocacy organizations, and county social service agencies to determine the need for center-based employment and supported employment.

Subp. 5. Appropriate modes of communication. "Appropriate modes of communication" means specialized aids and supports that enable an individual with a disability to comprehend and respond to information that is being communicated. Appropriate modes of communication include, but are not limited to, the use of interpreters, open- and closed-captioned videos, specialized telecommunications services and audio recordings, Braille and large-print materials, materials in electronic formats, augmentative communication devices, graphic presentations, and simple language materials.

Subp. 6. Center-based employment. "Center-based employment" means employment which provides paid work on the premises of an extended employment provider and training services or other services necessary for employment on or off the premises of an extended employment provider to persons who, because of the nature and severity of their disabilities, need intensive ongoing employment support services funded by the state unit in order to work.

Subp. 7. Certification. “Certification” means the process used by the department to ensure that extended employment program providers meet the minimum state standards in part 3300.2010.

Subp. 8. Commissioner. “Commissioner” means the commissioner of the Minnesota Department of Economic Security.

Subp. 9. Competitive employment. “Competitive employment” means work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.

Subp. 10. Community employment. “Community employment” is paid work in the community requiring intensive ongoing employment support services that does not meet the definition of supported employment only because the worker is paid less than minimum wage or the employment does not meet the integration standards of supported employment.

Subp. 11. Consumer Price Index or CPI. “Consumer Price Index” or “CPI” means the index of prices of goods and services from the United States Department of Commerce published on a monthly basis and available from the Minnesota Department of Economic Security.

Subp. 12. Day training and habilitation program or DTH. “Day training and habilitation program” or “DTH” means a program of services as defined in *Minnesota Statutes*, section 252.41, subdivision 3.

Subp. 13. Department. “Department” means the Minnesota Department of Economic Security.

Subp. 14. Expanded program. “Expanded program” means an expansion of an existing provider’s capacity to provide supported employment to persons with mental illness, traumatic brain injury, or the most severe disabilities, to persons from racial or ethnic minorities, to other unserved or underserved populations, and to persons living in geographic regions of Minnesota, unserved or underserved by the extended employment program.

Subp. 15. Extended employment program or program. “Extended employment program” or “program” means an employment program which provides the ongoing employment support services necessary to maintain and advance the employment of individuals with severe disabilities by providing work in center-based employment, community employment, or supported employment subprograms. Work in extended employment should encompass the broad range of employment choices available to all individuals and promote an individual’s self-sufficiency and financial independence.

Subp. 16. Extended employment provider or provider. “Extended employment provider” or “provider” means a rehabilitation facility as defined in subpart 34 and certified by the commissioner under part 3300.2010 to provide center-based, community, or supported employment.

Subp. 17. Extended employment support plan. “Extended employment support plan” means the individual service plan developed by the worker, based on informed choice, with assistance from the worker’s interdisciplinary team if desired by the worker.

Subp. 18. Extended employment worker or worker. “Extended employment worker” or “worker” means an individual with a most severe disability as defined in subpart 22 that results in serious limitations in three or more functional areas as defined in subpart 20 that affect employment, who requires and receives ongoing employment support services as defined in subpart 31 over an extended period of time to maintain and advance in employment, and who is reported to the department by the provider during the contract period. Extended employment worker includes the worker’s legal representative.

Subp. 19. Fundamental personnel benefits. “Fundamental personnel benefits” means personnel benefits provided by an extended employment provider to workers in center-based employment and to workers in supported employment and community employment when the provider is the payroll agent. Fundamental personnel benefits include vacation, sick leave, holidays, and other mandated state and federal benefits. Specific benefit requirements are identified in part 3300.2015, subpart 4.

Subp. 20. Functional area. “Functional area” means communication, interpersonal skills, mobility, self-care, self-direction, work skills, or work tolerance. For the purposes of parts 3300.2005 to 3300.2055:

A. “Communication” means the ability to effectively give and receive information through spoken words or concepts, such as writing, speaking, and listening, or other means of communicating such as sign language, mime, gesture, or other adaptive methods.

B. “Interpersonal skills” means the ability to establish and maintain personal, family, and community relationships as it affects, or is likely to affect, job performance and security.

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

Proposed Rules

C. “Mobility” means the physical and psychological ability to move about from place to place inside and outside the home, including travel to and from usual destinations in the community for activities of daily living, training, or work.

D. “Self-care” means the skills needed to manage self or living environment, such as eating, toileting, grooming, dressing, money management, and management of special health or safety needs, including medication management, as they affect an individual’s ability to participate in training or work-related activities.

E. “Self-direction” means the ability to plan, initiate, organize, or carry out goal-directed activities or solve problems related to self-care, socialization, recreation, and working independently.

F. “Work skills” means:

(1) the ability to do specific tasks required to carry out job functions; and

(2) the capacity to benefit from training in how to perform tasks required to carry out job functions.

G. “Work tolerance” means the capacity to effectively and efficiently perform jobs requiring various levels of physical demands, psychological demands, or both.

Subp. 21. **Grievance.** “Grievance” means a claim or complaint brought to an extended employment provider by a worker in the extended employment program or a representative of the worker involving dissatisfaction with the worker’s extended employment program over an issue in which the extended employment program provider has control. A worker who uses the grievance procedure does not give up the right to use a worker appeal as defined in subpart 38.

Subp. 22. **Individual with a most severe disability.** “Individual with a most severe disability” means an individual:

A. who has a severe physical or mental impairment that results in serious limitations to employment in three or more functional areas;

B. whose employment can be expected to require ongoing employment support services over an extended period of time; and

C. who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders including stroke and epilepsy, paraplegia, quadriplegia, and other spinal cord conditions, sickle cell anemia, specific learning disability, and end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable serious functional limitation.

Subp. 23. **Informed choice.** “Informed choice” means a voluntary decision made by a prospective or current worker or that person’s legal representative, after becoming familiar with worker rights and with alternative service options, and having been provided sufficient relevant written and verbal information at an appropriate comprehension level and in a manner consistent with the appropriate mode of communication and primary language used by the prospective or current worker or that person’s legal representative.

Subp. 24. **Informed consent.** “Informed consent” means the written agreement with the worker’s extended employment support plan, or an agreement as documented in the worker’s case file, by a legally competent worker or a worker’s legal representative who is making decisions voluntarily and without coercion, and has knowledge to make informed choices.

Subp. 25. **Integrated setting.** “Integrated setting” means a setting typically found in the community in which an individual with the most severe disabilities interacts with nondisabled individuals, other than nondisabled individuals who are providing services to that individual, to the same extent that nondisabled individuals in comparable positions interact with other persons.

Subp. 26. **Interdisciplinary team.** “Interdisciplinary team” means the worker, the worker’s legal representative, service professionals, and other individuals chosen by the worker or the worker’s legal representative to develop, implement, and assess the worker’s extended employment support plan.

Subp. 27. **Legal representative.** “Legal representative” means an individual who is legally authorized to provide informed choices on a worker’s behalf. A legal representative may be one of the following individuals: the parent of a minor who has not been emancipated; a court-appointed guardian or conservator of a worker who is 18 years of age or older, in areas where legally authorized to make decisions; a guardian ad litem or special guardian or conservator, in areas where legally authorized to make decisions; legal counsel if so specified by the worker; or other legally authorized individual.

Subp. 28. **Natural supports.** “Natural supports” means ongoing employment support services provided under an extended employment support plan by individuals who are agents of the worker’s employer. Supported employment with natural supports is the process of a provider helping an employer to expand its capacity for training, supervising, and supporting one or more workers with the most severe disabilities. This definition involves the direct hire of a worker in an individual job, the location of which is not isolated by disability.

Subp. 29. New program. “New program” means an extended employment provider funded by the department under part 3300.2030 that meets the certification requirements in part 3300.2010 and that was not funded in the previous state fiscal year.

Subp. 30. Nonexempt. “Nonexempt” means subject to the provisions of the Fair Labor Standards Act as set forth in United States Code, title 29, as amended.

Subp. 31. Ongoing employment support services. “Ongoing employment support services” means any of the following services identified in the worker’s extended employment support plan as related to a worker’s limitations in functional areas as defined in subpart 20 and that are necessary to maintain or advance the worker’s employment:

- A. facilitation of natural supports at the work site;
- B. rehabilitation technology, job redesign, or environmental adaptations;
- C. disability awareness training for the worker, or the worker’s employer, supervisor, or coworkers, and other services to increase the worker’s inclusion at the worksite;
- D. job skill training at the work site;
- E. regular observation or supervision of the worker;
- F. behavior management;
- G. coordination of support services;
- H. job-related safety training;
- I. job-related self-advocacy skills training to advance employment;
- J. training in independent living skills, such as: money management, grooming and personal care, social skills, orientation and mobility, and using public transportation or drivers’ training;
- K. communication skills training such as sign language training, Braille, speech reading, and the use of communication devices or other adaptive methods for the worker, or the worker’s employer, supervisor, or coworkers;
- L. follow-up services such as regular contact with the worker’s employer, supervisor, or coworkers; the worker’s parents, family members, advocates, or legal representatives of the worker; and other suitable professional and informed advisors, in order to reinforce and stabilize the job placement;
- M. training in job seeking skills;
- N. career planning, job development, or job placement to advance in employment;
- O. transitional employment services; and
- P. any other service that is similar to the services in items A to O, that is identified in the worker’s extended employment support plan, and that is needed to maintain or advance the employment of a worker in the extended employment program.

Subp. 32. Paid work. “Paid work” means employment of the person served that results in the production of products or provision of services.

Subp. 33. Qualified health care professional. “Qualified health care professional” means a professional holding licensure to diagnose one or more of the disabilities identified in subpart 22.

Subp. 34. Rehabilitation facility or facility. “Rehabilitation facility” or “facility” means an entity as defined in *Minnesota Statutes*, section 268A.01, subdivision 6, but that has not been certified under part 3300.2010 as an extended employment provider.

Subp. 35. Supported employment. “Supported employment” means competitive employment in an integrated setting with ongoing support services for individuals with the most severe disabilities for whom competitive employment has not traditionally occurred or for whom competitive employment has been interrupted or intermittent as a result of a severe disability; and who, because of the nature and severity of their disabilities, need intensive ongoing employment support services from the designated state unit and extended services after transition in order to perform this work; or transitional employment for individuals with the most severe disabilities due to mental illness.

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Subp. 36. Transitional employment. “Transitional employment” means a series of temporary job placements in competitive work in integrated settings with ongoing support services for individuals with the most severe disabilities due to mental illness. In transitional employment, the provision of ongoing support services must include continuing sequential job placements until job permanency is achieved.

Subp. 37. Work hours. “Work hours” means the hours for which a worker performs paid work, including hours of paid holidays, paid sick, paid vacation, and other paid leaves. A work hour is the basic funding unit for allocating extended employment program funds.

Subp. 38. Worker appeal. “Worker appeal” means an independent due process procedure available to a current or prospective worker or a worker’s legal representative through federal or state statutes, case law, or rules.

3300.2010 STATE CERTIFICATION.

Subpart 1. Scope. This part governs the operation of any extended employment provider engaged in, or rehabilitation facility seeking to engage in, the programs listed in part 3300.2005, subpart 15. Extended employment program certification issued under these certification procedures does not replace or modify any certificates issued by the United States Department of Labor or the Minnesota Department of Labor and Industry for purposes of subminimum wage payments.

Subp. 2. Purpose. The purpose of certification is to ensure that all providers meet the department’s minimum requirements for extended employment program funding. Providers must be certified by the commissioner. Program certification as evidenced by a valid provider certificate is required before the commissioner may provide funding for an extended employment program pursuant to *Minnesota Statutes*, section 268A.15.

Subp. 3. Certification procedure. A rehabilitation facility seeking a certification as a provider, including a provisional certification, must complete an official application form available from the department. When a rehabilitation facility has been found in compliance with all certification requirements, a single provider certificate will be issued to a provider. The certificate will specify the type and location of all approved programs. Provider certification shall be reviewed and reissued, as appropriate, on a yearly basis.

Subp. 4. Requirements for certification. The commissioner shall certify rehabilitation facilities that meet all of the following requirements as eligible extended employment providers:

A. To be certified as a provider of center-based employment, an organization must achieve and maintain accreditation in the program standards governing center-based employment. To be certified as a provider of community and supported employment, an organization must achieve and maintain accreditation in the program standards governing community and supported employment. The provider must notify the department of the upcoming date of each CARF survey, and provide standing written permission to CARF to allow release to the department of the results of the accreditation process and of site surveys, resurveys, supplemental surveys, reviews, and return visits. The provider must maintain compliance each year with the following provisions of the 1997 CARF Standards Manual and Interpretive Guidelines for Employment and Community Support Services, or with comparable sections in subsequent CARF manuals: Section 1, Promoting Organizational Quality; Section 2, Promoting Individual Service Quality; and Section 3, Organizational Employment Services and Community Employment Services. The provider must make its worker records and performance data available to the department for spot checks.

B. Providers must provide fundamental personnel benefits, as described in part 3300.2015, subpart 4, to workers in center-based employment and to workers in community and supported employment when the provider is the payroll agent.

C. Providers shall have written grievance procedures for workers in center-based, community, and supported employment. Grievances may be appealed to the department for review. The department shall complete its review of a grievance that has been appealed to the department within one month from the date the appeal request is received. The grievance procedure for workers must include, as a final step, binding arbitration as defined in *Minnesota Statutes*, section 268A.07, subdivision 2. The following must be subject to the grievance procedure:

- (1) working conditions in center-based, community, and supported employment sites;
- (2) the worker’s extended employment support plan;
- (3) the worker’s access to employment in the community; and
- (4) the quality and effectiveness of the worker’s ongoing employment support services.

D. The provider must comply with the requirements to provide workers with the information on program planning and service delivery in part 3300.2025, subpart 7, in the worker’s primary language using appropriate modes of communication.

E. The provider must provide the worker with the extended employment support plan in part 3300.2025, subpart 4, in the worker’s primary language using appropriate modes of communication.

F. The governing body of the provider organization must comply with *Minnesota Statutes*, section 268A.08.

G. Members of the governing board and management staff of provider organizations shall complete a minimum of eight hours of continuing education and training each year over a three-year cycle concurrent with the organization's three-year accreditation cycle with CARF. Subjects for continuing education and training include, but are not limited to, the following:

(1) legal mandates affecting the provider's programs, such as the federal Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act, and the extended employment program statutes and rules;

(2) practices to improve outcomes and increase the availability of extended employment services to persons with the most severe disabilities; and

(3) understanding the programmatic and ethical responsibilities of nonprofit organizations to the communities they serve.

Members of the governing board and management staff of extended employment provider organizations shall complete training in each of the three subject areas listed in subitems (1) to (3) during the course of the three-year training cycle. The provision of this training shall be documented in the record of meetings of the organization's board of directors.

H. The governing board of provider organizations must provide training for all members on the fiduciary responsibilities of the directors of nonprofit organizations. Training on fiduciary responsibilities shall be provided to new board members within the first year of their term. In addition, members of the board of directors must receive copies of the organization's financial audits and review all management letters that accompany the financial audit. The record of board meetings shall document the provision of training on fiduciary responsibilities and the receipt and review of the organizations financial audit and management letter.

I. The provider must comply with United States Code, title 41, sections 12101 to 12213, of the Americans with Disabilities Act.

Subp. 5. **Provisional certification.** The commissioner may issue a provisional certification to new providers or to existing providers for expanded programs for a specified period of time, not to exceed 18 months. In order to obtain a provisional certificate, all new or expanded extended employment programs covered by the certificate must be in compliance with all requirements for certification except the requirement for accreditation by CARF. However, if the provider is not accredited by CARF, the provider must demonstrate a reasonable likelihood that the provider will meet the requirements for accreditation by CARF and will receive such accreditation within 18 months. If at the end of the 18-month period, the provider has not been approved for accreditation by CARF, provisional certification will be terminated.

Subp. 6. **Probationary certification status.** The commissioner shall place on probationary certification status any provider that has previously been certified where the provider no longer meets all of the certification requirements, is not being operated in compliance with the rule, or is under investigation by a law enforcement agency. Probationary certification status permits a noncomplying provider to continue to receive state funding while the plan for compliance is implemented. To qualify for probationary certification status, the provider must submit a written plan which has been approved by the commissioner and which will bring the program into compliance with the certification requirements or other requirements of the rule within a reasonable time not to exceed 12 months.

Subp. 7. **Extension of certification.** The commissioner may grant an extension if the commissioner finds that a provider, through no fault of its own, no longer completely meets certification requirements for full or provisional certification because:

A. a natural disaster such as a tornado or a flood, or a material change in circumstances such as a labor strike or the loss of a building lease, has adversely affected or completely halted operations; or

B. convincing evidence is submitted showing that CARF cannot schedule a timely review.

A provider must request an extension in writing and state the reasons for the request. The extension may not exceed one year and no consecutive extensions of a certificate may be granted. A request for an extension should be made before the certificate's expiration date.

Subp. 8. **Termination of certification.** Certification for providers not complying with the requirements for certification will be terminated by the commissioner, and allocated state funds will be withdrawn as provided in part 3300.2052. Withdrawal of state funds is subject to the appeal provisions of part 3300.2055. Extended employment program certification may be terminated when:

A. a provider no longer meets the requirements for certification under subpart 4;

B. a provider granted provisional certification does not meet the requirements for provisional certification under subpart 5; or

C. a provider granted probationary certification does not fulfill the conditions of its plan for compliance under subpart 6.

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Proposed Rules

Review of compliance with certification requirements must take place yearly to determine continuation of certification. Review for compliance may take place on occasions not related to the yearly redetermination of certification continuance. The department must give 30 days' notice of intent to remove or change certification except when there is imminent danger to the health or safety of workers or gross failure to comply with CARF or extended employment program rule requirements.

3300.2015 EXTENDED EMPLOYMENT PROGRAM ELIGIBILITY.

Subpart 1. Scope. This part governs the eligibility of workers in the extended employment program. Each worker reported to the extended employment program must conform to the criteria in this part. A person with a most severe disability is presumed capable of working in the extended employment program when provided with ongoing employment support services under an extended employment support plan.

Subp. 2. Extended employment program eligibility. To be eligible for the extended employment program, an individual must be an extended employment program worker as defined in part 3300.2005, subpart 18.

Subp. 3. Social security (FICA). Workers and their payroll agents shall contribute, via payroll taxes, to the federal Social Security program. Workers in supported employment who are self-employed must pay the FICA self-employment tax for social security benefits.

Subp. 4. Fundamental personnel benefits. Workers in center-based, community, and supported employment when the provider is the payroll agent, shall receive the following fundamental personnel benefits:

A. vacation, sick leave, and holidays, provided on a proportional basis as provided to the nonexempt, full-time staff of the provider agency; at a minimum, workers will be entitled five days of paid vacation, five days of paid sick leave, and five paid holidays per calendar year; or

B. flexible paid leave, provided in lieu of vacation and sick leaves, that is provided on a proportional basis as provided to the nonexempt, full-time staff of the provider agency; at a minimum, workers will be entitled ten days of paid leave and five paid holidays per calendar year; and

C. other mandated state and federal benefits including, but not limited to:

(1) *United States Code*, title 29, sections 2601 to 2635, the Family and Medical Leave Act of 1993, and *Minnesota Statutes*, sections 181.940 to 181.943, as amended;

(2) time off work to vote according to *Minnesota Statutes*, section 204C.04, as amended.

(3) leave for jury duty as provided by *United States Code*, title 28, section 1875, and *Minnesota Statutes*, section 593.50, as amended; and

(4) military leave and reinstatement in employment as provided by *United States Code*, title 28, chapter 43, sections 2021 and 2024, and *Minnesota Statutes*, section 192.261, subdivision 6, as amended.

Workers who are self-employed are exempt from this subpart.

Subp. 5. Comparable benefits. At the time of placement in a job in the community, the provider shall determine and document in accordance with part 3300.2025, subpart 9, item E, subitem (3), that the benefits for workers for whom the provider is not the payroll agent are comparable to the benefits provided by the employer to its workers without disabilities.

Subp. 6. Fair and equitable pay requirements. Workers in center-based, community, and supported employment shall be paid at a rate equal to or greater than the state or federal minimum wage, whichever is appropriate, or at a lesser rate of pay according to a certificate issued under *Code of Federal Regulations*, title 29, sections 525.1 to 525.24, or other federal regulations providing for exemption from federal minimum wage requirements. A worker in extended employment who is self-employed must realize net income that is the equivalent or in excess of the hourly rate of pay required under the Minnesota Fair Labor Standards Act, *Minnesota Statutes*, chapter 177, as amended, and the Federal Fair Labor Standards Act, *United States Code*, title 29, as amended, when the number of hours worked is compared with the income realized.

Subp. 7. Participants in day training and habilitation programs. Participants in day training and habilitation programs funded under full-day per diem rates by the Department of Human Services are not eligible for extended employment program funding. Participants funded under part-day rates for day training and habilitation services may be reported in the community and supported employment subprograms of extended employment if the following criteria are met:

A. services provided during the hours reported to extended employment comply with the definition and requirements of parts 3300.2005 to 3300.2055;

B. ongoing employment support services provided during the hours reported to extended employment are provided under an extended employment support plan, as described in part 3300.2025, subpart 4 or 6, and delivered by employees of a certified provider, not the employees of a day activity center licensed by the Department of Human Services; and

C. the participant's status as a DTH participant is reported to the extended employment program.

Subp. 8. Other exclusions from eligibility for extended employment program funding. Participants in employment-related programs funded through state, federal, or other sources are also excluded from eligibility for extended employment program funding when:

A. the funding source is obligated to pay for total program costs for participants; or

B. the funding source prohibits concurrent funding of program participants receiving extended employment program services.

3300.2020 REPORTING REQUIREMENTS.

Subpart 1. Scope. This part governs the data on workers required by the department.

Subp. 2. Required data elements. The following data shall be submitted to the department on each worker reported to the extended employment program:

A. legal name;

B. legal guardianship status and guardian, if applicable;

C. social security number;

D. address;

E. disability and categories of functional limitations;

F. hours and wages by subprogram, by payroll agent, and by payroll period or month;

G. referral source;

H. date of birth;

I. age at onset of disability;

J. gender;

K. ethnicity;

L. marital status;

M. residential status;

N. provider's site location;

O. job type;

P. job site model, for example, center-based employment, single site, work crew, or enclave;

Q. date and reason left provider's program;

R. county of financial responsibility;

S. years of education;

T. special education participation; and

U. SSI or SSDI recipient status.

Subp. 3. Data elements required for payment. Of the data elements listed in subpart 2, payment to providers is based on provider reporting of items A, C, F, and P. Data elements required for payment must be reported in the format prescribed by the department.

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Proposed Rules

3300.2025 PROGRAM PLANNING, SERVICE DELIVERY, AND CASE RECORDS.

Subpart 1. Scope. This part governs program planning, service delivery, and case records for the extended employment program.

Subp. 2. Standards for program planning, service delivery, and case records. Standards for program planning, service delivery, and case records for the extended employment program are contained in The 1997 Standards Manual and Interpretive Guidelines for Employment and Community Support Service published by CARF, which are incorporated by reference. This publication is updated on a yearly basis and the standards applicable to any state fiscal year for which a provider is funded will be found in the most recent edition of this publication available at the beginning of the state fiscal year. Copies are available at the Educational Resource Center, 501 Capitol Square, 550 Cedar Street, Saint Paul, Minnesota 55101. The Educational Resource Center participates in the Minitex/PALS Interlibrary Loan Consortium.

Subp. 3. Additional standards for program planning, service delivery, and case records. In addition to the standards in subpart 2, providers shall meet the requirements in subparts 4 to 6.

Subp. 4. Extended employment support plans. All workers in center-based, supported employment, and community employment shall have an extended employment support plan. The plan, to be reviewed at yearly intervals, or more often if changes in the worker's situation require more frequent reviews, describes the worker's employment goals and the ongoing employment support services to be provided to reach the worker's goal. The plan shall include the following:

- A. the worker's goals and objectives, including:
 - (1) employment goals and goals for career advancement;
 - (2) preferences for employment setting, integration, range or level of pay, work hours, and benefits; and
 - (3) when a goal in center-based employment is selected, the plan shall state the reasons for this choice;
- B. the timeline for reaching the worker's employment goals and objectives;
- C. the worker's vocational strengths, interests and preferences, work skills, and general health status;
- D. the worker's functional areas affecting employment that require the provision of ongoing employment support services;
- E. an assessment identifying the ongoing employment support services a worker needs to work in the community;
- F. the specific ongoing employment support services to be provided, including:
 - (1) the relationship of the ongoing employment services to the worker's functional areas affecting employment;
 - (2) how the need for ongoing employment support services will be met with existing services or by a plan arranging for or developing these services;
 - (3) the strategies for providing ongoing employment support services including the consideration of assistive technology and natural supports;
 - (4) who will be providing the ongoing employment support services; and
 - (5) timelines for developing and providing ongoing employment support services and the estimated frequency of these services;
- G. measures and procedures to assess the attainment of worker goals and objectives;
- H. the names of the participants in the planning and preparation of the worker's extended employment support plan; and
- I. the signature of the worker designating informed consent.

A copy of the plan and any revisions shall be promptly provided to the worker in the worker's primary language using appropriate modes of communication.

Subp. 5. Minimum contact by provider. The extended employment support plan will include assurances that a minimum of two in-person contacts with the supported employee per month will occur in the provision of planned ongoing employment support services, unless the ongoing employment support is provided through natural supports as described in subpart 6.

Subp. 6. Reporting workers receiving natural supports to the extended employment program. The ongoing employment support services for a worker must be identified in the worker's extended employment support plan and may be provided indirectly through an agent of the worker's employer when:

- A. the worker is in an employer-paid integrated work site as defined in part 3300.2005, subparts 25 and 28;
- B. there is a written agreement with an employer that specifies:
 - (1) the agent of the employer who will be involved in providing the worker's ongoing employment support services;

(2) the nature of the information, technical assistance, or other support services the provider provides to the agent of the employer;

(3) the specific ongoing employment support services that are provided to the worker by the agent of the employer; and

(4) assurances that the provider will, at a minimum, make two in-person contacts with the agent of the employer, or the worker, or a combination of the employer and worker each month to:

(a) provide information, technical assistance, or other ongoing employment support services; and

(b) evaluate the need for and effectiveness of the ongoing employment services the agent of the employer provides to the worker.

Subp. 7. Worker information on program planning and service delivery.

A. The department shall provide information on program planning and service delivery in extended employment. This information shall include:

(1) individual service planning process provided in the CARF standards, including:

(a) the content of a typical plan as identified in the CARF interpretive guidelines;

(b) the ongoing employment support services available in extended employment;

(c) the role and rights of the worker and the worker's legal representative in the development of an extended employment support plan;

(d) fundamental personnel benefits;

(e) examples of persons from social service agencies and others in the community who can be involved in planning services; and

(f) the requirement to assess the worker's potential for working in the community on a semiannual basis and identify in writing the reasons a worker is not working in the community;

(2) worker rights to reasonable accommodation in accessing ongoing employment support services in extended employment;

(3) worker rights to review, appeal, and grievance procedures;

(4) the summary level performance information available on provider outcomes;

(5) worker rights under the federal Rehabilitation Act of 1973, as amended; and

(6) worker rights under the Americans with Disabilities Act.

B. Providers shall distribute information on the extended employment program planning and service delivery to the worker and the worker's legal representative on a yearly basis. This information shall include:

(1) a description of the provider's center-based, community, and supported employment programs, including:

(a) the right to have all program and service information provided in an accessible manner, and the right to reasonable accommodation for accessing the provider's services and activities;

(b) the names of staff persons responsible for key aspects of the worker's center-based, community, or supported employment program;

(c) a statement of the rights to review, appeal, and grievance procedures; and

(d) a summary of the benefits available to the worker; and

(2) the information on program planning and service delivery identified in item A.

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Proposed Rules

Subp. 8. Annual reassessment of extended employment support plans. Extended employment support plan review with interdisciplinary team involvement, unless waived by the worker, shall occur at least yearly. A plan with a goal of community or supported employment that has not been achieved or maintained shall be reviewed every six months. A written report of this review or an updated extended employment support plan shall summarize this review and shall be maintained in the case file. This reassessment must address:

- A. the worker's satisfaction with employment and ongoing employment support services;
- B. the effectiveness of the worker's extended employment support plan in achieving the worker's vocational objective;
- C. the worker's continuing need for ongoing employment support services to maintain or advance employment; and
- D. the worker's interest in, and potential for, advancing in employment.

The record of the reassessment shall include the names of the participants in the reassessment of the worker's extended employment support plan and the signature of the worker designating informed consent.

A copy of the reassessment shall be promptly provided to the worker in the worker's primary language using appropriate modes of communication.

Subp. 9. Case records. A confidential record shall be maintained for each person served in the extended employment program. The case record of the worker communicates appropriate information in a form that is complete, clear, and current. The case record shall be retained for a minimum of three years after the completion of the audit process for the state fiscal year when the worker was last a reported worker in the extended employment program. The provider shall maintain written documentation of the worker's extended employment services that may include electronic documentation and file systems.

Case records must include the information listed in items A to H. Case records of workers in community or supported employment shall also include the information in either item I or J. The items are:

A. personal identification data, including: social security number, legal status, date of birth, residential status and address, and, if applicable, name of guardian or conservator;

B. eligibility for extended employment, using the criteria in part 3300.2015, subpart 2, determined by either:

(1) the provider and documented in the provider's intake reports; or

(2) the rehabilitation services branch counselor and documented in the rehabilitation services branch eligibility information and referral reports given to the provider;

C. written diagnosis of a severe disability by a qualified health care professional who is not employed by the rehabilitation facility, and referral source reports, unless eligibility in item B is determined by a counselor from the rehabilitation service branch of the department;

D. the worker's extended employment support plan;

E. employment data, including: employers, supervisors, job duties, rates of pay, benefits, start dates, termination dates, and evidence that the provider maintains compliance with certification requirements by providing to the worker the following:

(1) fundamental personnel benefits as described in part 3300.2015, subpart 4;

(2) contribution to the worker's social security account as described in part 3300.2015, subpart 3;

(3) comparable benefits as described in part 3300.2015, subpart 5; and

(4) fair and equitable payment of wages as described in part 3300.2015, subpart 6;

F. the reassessment of the worker's extended employment support plan;

G. documents of the payroll agents which verify the hours of paid work reported to the extended employment program for the worker;

H. program summaries and termination or discharge reports;

I. the ongoing employment support services provided to supported employees by the provider that includes, at a minimum, the date and service record of two in-person contacts per month with the worker; and

J. the written natural supports agreement between the provider and the agent of the supported worker's employer including, at a minimum, a date and service record of two in-person contacts with the agent of the employer, or the worker as described in subpart 6.

3300.2030 NEW OR EXPANDED PROGRAMS.

Subpart 1. Funding for new or expanded programs. The department shall provide notice of the availability of funding for new or expanded programs through a request for proposals published in the *State Register*. The department shall make copies of the request for proposals available to a city, town, county, nonprofit corporation, state regional center, or combination thereof. Applicant organizations shall submit an application for a new extended employment program or for expansion of an existing extended employment program. The commissioner shall use the following criteria in reviewing applications for a new or expanded program:

- A. the need for the new or expanded program;
- B. the relationship of the new or expanded individual program to any current programs in terms of defined needs;
- C. the performance of current programs;
- D. the geographic distribution of the current programs and the new or expanded program in relationship to geographic needs;
- E. efforts to foster innovation and promote state-of-the-art best practices in supported employment consistent with *Minnesota Statutes*, section 268A.15, subdivision 6; and
- F. the availability or funding for new or expanded programs.

Subp. 2. Department review of proposals. The department shall base its decisions on proposals upon objective criteria and a review process that includes representatives of affected county social service agencies, the local vocational rehabilitation office, providers outside the affected service area, and advocacy organizations as defined in part 3300.2005, subpart 3.

Subp. 3. Exception to contract procedures and adjustment of state grant funds for new or expanded programs. New or expanded programs under this part may be exempt from the contracting procedures in part 3300.2035, subpart 4, item A, and the adjustment of state grant funds in part 3300.2035, subpart 8, for up to three years.

3300.2035 ALLOCATION OF EXTENDED EMPLOYMENT PROGRAM FUNDS.

Subpart 1. Unit of distribution of extended employment program funds. The unit of distribution of extended employment program funding is the payment for one work hour performed by an eligible worker and reported to the department in the extended employment program.

Subp. 2. Notice of availability of funding. The department will publish a notice of availability of state grant funds in the *State Register* for each state fiscal year. The notice will include a description of the funds available, the application procedure for these funds, a statement of the funding criteria in parts 3300.2005 to 3300.2055, and the timetable for the allocation of state grant funds.

Subp. 3. Application and guidelines for funding. The department will make the form of application and guidelines for extended employment program funding available to all interested parties upon request. The department's guidelines shall include information on priorities for program funding, including target populations or geographic distribution of services, that will be addressed in the allocation of state grant funds. Certified providers must apply for grant funds on the form specified by the department.

Subp. 4. Procedures for contracts with providers for center-based, community, and supported employment. Each fiscal year, the department will enter into annual contracts with providers for a specific number of hours of work in center-based employment or supported employment according to items A to C.

A. The contract starting point each year will be the previous year's contracted allocation or the previous year's earned allocation, whichever is less.

(1) The starting point for contracts to providers for state fiscal year 1999 shall be calculated using the following method:

(a) for supported employment, the total contracted hours of work and service contracted for in state fiscal year 1998 by the provider shall be multiplied by \$2.04 to determine the provider's contract starting point for supported employment for state fiscal year 1999; and

(b) for center-based employment, the total contracted hours of work and service contracted for in state fiscal year 1998 shall be multiplied by \$1.13 to determine the provider's contract starting point for center-based employment for state fiscal year 1999.

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

Proposed Rules

B. When a provider's earned allocation is less than the allocation specified in a contract year for center-based employment, community, or supported employment, the provider is required to return unearned payments with the following exception: up to 2.5 percent of the unearned payment can be repaid through work hours in supported employment or community employment in excess of the number of work hours required for the allocation specified in that contract year.

C. The redistribution of allocation from underproduction to providers is as provided in subitems (1) to (4).

(1) Where a provider's underproduction in center-based employment or supported employment is over five percent of the contracted level of allocation, the allocation in excess of five percent shall be redistributed to other providers, unless a variance for economic hardship has been approved under part 3300.2040.

(2) Allocation from underproduction shall be redistributed to other providers on the basis of guidelines established by the department for that funding year. The guidelines shall consider unmet needs of target populations and the geographic distribution of center-based employment and supported employment.

(3) When the allocation to be redistributed under department guidelines is at least one percent of the total allocation for either center-based employment or supported employment, the department shall issue a request for proposals under part 3300.2030, subparts 1 and 2. Alternatively, the allocation to be redistributed may, at the commissioner's discretion, be used to adjust the statewide uniform rates under subpart 6, item B.

(4) Providers cannot exercise the repayment option in this item in the subsequent state fiscal year.

Subp. 5. Annual survey. The department shall conduct an annual survey of extended employment program needs for center-based, community, and supported employment, including the geographic distribution of these services. Survey sources shall include department staff, providers, consumer and advocacy organizations, and county social service agencies. The results of this survey shall be considered in the department's application and guidelines for funding in subpart 3, and in the department's issuance of requests for proposals under parts 3300.2030, subparts 1 and 2, and 3300.2052, subpart 1, item C. This information shall be available to public officials, workers, providers, advocacy organizations, and social service agencies.

Subp. 6. Statewide uniform rates. Effective July 1, 1998, the allocation and distribution of extended employment program funds to center-based employment and supported employment will be based on the work hour rates in items A and B.

A. There shall be two statewide uniform rates for each work hour in supported employment and a statewide uniform rate for each work hour in center-based employment. One uniform statewide rate for supported employment shall be for hours of work which meet the definition of supported employment. The second statewide uniform state rate for supported employment shall be for hours of work which meet the definition of community employment. The rate for a work hour in supported employment shall be \$2.40 per hour. The rate for a work hour in community employment shall be \$2.13 per hour. The rate for a work hour in center-based employment shall be \$1.19 per hour.

B. The statewide uniform work hour rates for center-based employment and supported employment may, at the commissioner's discretion, be adjusted to account for changes in the Consumer Price Index (CPI).

Subp. 7. Statewide allocation of extended employment funds to center-based employment and supported employment. For each state fiscal year, the department shall determine the statewide allocation for center-based employment and supported employment according to items A to D.

A. From the state appropriation, the department shall reserve for supported employment an amount of dollars equal to the sum of the allocations for the starting point for all providers with contracts and making application for funding.

B. From the state appropriation, the department shall reserve for center-based employment an amount of dollars equal to (1) the sum of the allocations for the starting point for all providers with contracts and making application, less (2) any work hours withheld resulting from the request for proposals process, multiplied by the statewide uniform rate for center-based employment. However, no future statewide allocation of extended employment funds to center-based employment shall exceed the funding allocation for center-based employment in state fiscal year 1997.

C. Adjustments to the statewide allocation may be made based on shifts of dollars from center-based employment to supported employment as requested by providers. Shifts will be adjusted at the starting point for each provider requesting shifts.

D. The remainder of the state appropriation, after items A to C are completed, will be subject to distribution according to the department's application and guidelines for funding under subpart 3.

Subp. 8. Adjustment of state grant funds allocated to providers.

A. The department must distribute state grant funds based on provider reporting of hours of paid employment provided to workers in center-based employment and supported employment.

B. The department must adjust payments to providers during the contract year based on corrections of reported hours of paid employment in center-based employment and supported employment.

C. Beginning in state fiscal year 2000, provider contracts must also be adjusted for the wage level performance incentives in part 3300.2045.

D. Compliance audits of eligible work hours shall be performed and adjustments made to the allocation of state grant funds to providers after the close of the funding year as provided in subitems (1) and (2).

(1) After the close of each funding year, an audit of each provider must be conducted using the department's compliance audit standards according to generally accepted auditing standards as follows:

(a) The audits must be performed by independent audit firms at the expense of the providers.

(b) The department must seek input from providers and private audit firms in the development of the compliance audit standards.

(c) The department must review the compliance audit standards on an annual basis and seek the input of providers and private audit firms in the review of the standards.

(d) The extended employment program factors subject to the department's compliance audit must include hours and wages and evidence of ongoing employment support consistent with the worker's extended employment support plan.

(e) Completed audits must be submitted to the department within 90 days from the close of the funding year.

(2) Audit adjustments to provider allocations must be made as follows:

(a) Within 45 days from the receipt of an accepted final audit report, the department shall make final audit adjustments to provider allocations.

(b) Based on the results of the compliance audit, the department must seek repayment from providers for hours of employment in center-based employment or supported employment that were not provided according to the provider's contract.

(c) The department's determination of the amount of repayment and the reasons for the repayment is subject to the appeal provisions of part 3300.2055.

(d) The funds repaid by providers as a result of the final audit adjustments must be distributed as a wage level incentive under part 3300.2045.

3300.2040 CONSIDERATION OF ECONOMIC CONDITIONS.

The department must provide a variance to the contract starting point in part 3300.2035, subpart 4, for a provider that establishes that it was unable to produce the number of hours required by the provider's contract during the previous contract period due to circumstances beyond the control of the provider's management.

A. Circumstances beyond the control of the provider's management include conditions such as fire or natural disaster, the cessation of a major contract, the movement of a major employer out of the area, or a local unemployment level substantially higher than the statewide average.

B. A provider seeking a variance to the contract starting point must request this variance in the annual application for state grant funds in part 3300.2035. The request for variance to the contract starting point must state the reasons for the request and the plan for corrective action to meet contracted hours during the next contract period.

C. A provider who requests and is granted a variance to the contract starting point will retain the work hour level from the previous contract period. However, the underproduction of contracted hours is subject to repayment in the adjustment of the allocated state grant funds in part 3300.2035, subpart 8.

3300.2045 WAGE LEVEL INCENTIVE.

All funds not paid out to providers as a result of underproduction and all funds repaid to the department by providers as the result of final audit adjustments must be used as a performance fund for extended employment providers whose workers' wages meet or exceed the federal minimum wage.

The incentive fund must be distributed to each extended employment provider based on the proportionate share of hours of work where the statutory minimum or a higher wage was paid. The ratio is the provider's hours divided by the total hours meeting minimum wage reported by all extended employment providers.

The incentives are calculated and paid separately for center-based employment and supported employment.

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Proposed Rules

3300.2052 WITHDRAWAL OF ALLOCATED FUNDS.

Subpart 1. Criteria for withdrawal of allocated state funds. The commissioner may withdraw allocated state funds from a provider when:

A. an extended employment program is not being administered according to the extended employment program rule;

B. program certification has been terminated as provided in part 3300.2010, subpart 8; or

C. a review of an existing provider's programs demonstrates a need for new or alternative services. The commissioner may then withdraw funding from the existing extended employment provider and issue a request for proposals. The commissioner shall consider the following factors in determining the need for new or alternative services:

(1) the results of the department's annual survey or program evaluation indicates dissatisfaction with an existing provider's services;

(2) the existing provider has not complied with department requests to implement changes in ongoing employment support services to workers in the extended employment program;

(3) the local vocational rehabilitation office requests new or alternative extended employment program services; and

(4) a request from a county social service agency that the department issue a request for proposals for existing extended employment program funds; the issuance of a request for proposals for extended employment services by a county social services agency; or a change in the vendor for extended employment services by the county social services agency.

Where there is a demonstrated need for new or alternative services, the department shall consult with the county social services agency and the local vocational rehabilitation office in developing the request for proposals and issue a request for proposals under part 3300.2030, subparts 1 and 2. The request for proposals shall identify the needs to be addressed by new or alternative services. The department shall also notify the existing provider of the request for proposals and of the right of the existing provider to apply for funding under the request for proposals.

Subp. 2. Notice of withdrawal. Except where there is an imminent danger to the health or safety of workers, the commissioner must give written notice at least 45 days before allocated state funds may be withdrawn from a provider. The notice must state the reasons for the withdrawal of funds. If program certification is to be terminated in addition to the withdrawal of funds, the notice must also state the reasons for termination of certification.

Subp. 3. Right of appeal. A provider has the right to appeal the commissioner's withdrawal of allocated state funds. The appeal procedure is provided for in part 3300.2055.

Subp. 4. Reallocation. When the withdrawn allocation to be redistributed is less than one percent of the total allocation for either center-based employment or supported employment, the reallocation shall take place under the department guidelines in part 3300.2035, subpart 3. When the reallocation to be redistributed is one percent or more of the total allocation in either center-based employment or supported employment, the withdrawn funds shall be reallocated by the commissioner through the request for proposals process in part 3300.2030, subparts 1 and 2. Withdrawn funds may be reallocated by the commissioner on an interim basis for up to 120 days when that is necessary to continue the employment of workers in the extended employment program until the request for proposals process in part 3300.2030, subparts 1 and 2, can be completed.

3300.2055 APPEAL PROCEDURE.

Subpart 1. Scope. The procedure in this part governs all appeals initiated by providers having a right of appeal under:

A. appeals of the department's withdrawal of allocated state funds from a provider in part 3300.2052, subpart 1; and

B. the appeal of a decision of the department concerning the provider's allocation of state grant funds in part 3300.2030, including actions resulting from the department's monitoring of the extended employment program that affect the status of the provider's certification or the provider's funding under the extended employment program.

Subp. 2. Notice of intent to appeal. A provider appealing department decisions must provide a written notice of intent to appeal to the department. The written notice of intent to appeal must be received by the department within 30 days from the date that the provider received notice from the department of the action that the provider wishes to appeal. If the notice of intent to appeal is not received from the provider within the 30-day period, the decision of the department is final. The notice of intent to appeal must state the grounds for the appeal, including relevant facts and issues that could be addressed at a contested case hearing.

Subp. 3. Informal review. Within 30 days after the department receives a notice of intent to appeal, the commissioner or the commissioner's designee shall contact the provider and discuss the reasons for the appeal. The contact by the department's representative may be oral or written. Before the end of the 30-day period for informal review, the department's representative must make a written decision concerning the provider's appeal. The decision by the department's representative must state the department's position on the issue under appeal, the basis of that position, and the provider's right to request a contested case hearing under subpart 4.

Subp. 4. **Contested case.** If the issue in the informal review as provided in subpart 3 has not been resolved, the provider may make a written request for a contested case hearing before an administrative law judge as provided in *Minnesota Statutes*, sections 14.57 to 14.62. The written request for a contested case hearing must be received by the department no more than 30 days after the date when the provider received written notice of the decision of the department's representative following the informal review in subpart 3. Within 15 days from the date the department receives a provider's request for a contested case hearing, the department must request the Office of Administrative Hearings to assign an administrative law judge to hear the appeal and schedule a hearing. The contested case hearing must be initiated and conducted according to parts 1400.5100 to 1400.8500.

Subp. 5. **Decision.** The decision of the administrative law judge will be recommended for the commissioner's adoption. The commissioner's decision on the issue under appeal is the final decision of the department.

REPEALER. *Minnesota Rules*, parts 3300.1950; 3300.2050; 3300.2150; 3300.2250; 3300.2350; 3300.2450; 3300.2550; 3300.2650; 3300.2750; 3300.2850; 3300.2950; and 3300.3050, are repealed.

INCORPORATIONS BY REFERENCE:

Part 3300.2025, subpart 2: The 1997 Standards Manual and Interpretive Guidelines for Employment and Community Support Service, published by CARF, available at the Educational Resource Center, 501 Capitol Square, 550 Cedar Street, Saint Paul, Minnesota 55101, and at the Minitex/PALS Interlibrary Loan System.

Board of Medical Practice

Proposed Permanent Rules Relating to Respiratory Care Fees

Notice of Intent to Adopt Rules Without a Public Hearing

Proposed Amendment to Board Fee Rules of Rules Governing Respiratory Care Practitioner Fees, *Minnesota Rules*, 5600.2500.

Introduction. The Minnesota Board of Medical Practice 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.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: William Marczewski at Minnesota Board of Medical Practice, University Park Plaza, 2829 University Avenue SE, Suite 400, Minneapolis, MN 55414-3246, (612) 617-2152, Fax (612) 617-2166. TTY users may call the Minnesota Board of Medical Practice at (800) 627-3529.

Subject of Rules and Statutory Authority. The proposed rules are about Respiratory Care Practitioner fees. The statutory authority to adopt the rules is *Laws of Minnesota for 1997*, Chapter 120, section 10. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. A free copy of the rules is available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on Friday, March 6, 1998, 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 agency 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 agency contact person by 4:30 p.m. on Friday, March 6, 1998. 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 agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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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 agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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 agency 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 agency, 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 agency 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. Copies of the statement may be obtained at the cost of reproduction from the agency.

Adoption and Review of Rules. If no hearing is required, the agency 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 agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 16 January 1998

Robert Leach
Executive Director
Minnesota Board of Medical Practice

5600.2500 FEES.

The fees charged by the board are fixed at the following rates:

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

- T. respiratory care annual registration, \$90;
- U. respiratory care application fee, \$100;
- V. respiratory care late fee, \$50;
- W. respiratory care inactive status, \$50;
- X. respiratory care temporary permit, \$60;
- Y. respiratory care temporary registration, \$90;
- Z. duplicate license or registration fee, \$20;
- ~~Ⓜ~~ AA. certification letter, \$25;
- ~~Ⓜ~~ BB. verification of status, \$10;
- ~~Ⓜ~~ CC. education or training program approval fee, \$100;
- ~~Ⓜ~~ DD. report creation and generation, \$60 per hour billed in quarter-hour increments with a quarter-hour minimum; and
- ~~Ⓜ~~ EE. examination administrative fee:
 - (1) half day, \$50; and
 - (2) full day, \$80.

The renewal cycle for physician assistants under items L and M begins July 1. The duration of the permit issued under item P is one year.

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 mat-

Department of Agriculture

Agronomy & Plant Protection Division

Notice of Date and Location Change for the Minnesota Agricultural Chemical Response Compensation Board (ACRRA Board) Meeting

Notice of meeting change for the Minnesota Agricultural Chemical Response Compensation Board (ACRRA Board) meeting scheduled for February 18, 1998. The re-scheduled ACRRA Board meeting will convene on Thursday, **February 19, 1998**, at 9:00 a.m. This meeting will be held at St. Paul Downtown Airport/Holman Field, 644 Bayfield, St. Paul, Minnesota (Upstairs Conference Room).

Should you require additional information, please call the ACRRA Program at (612) 297-3490.

Department of Agriculture

Agricultural Chemical Response Compensation Board (ACRRA Board) Minnesota Commissioner of Agriculture

Notice of Opportunity for Public Comment on Corrective Action Costs and Other Reimbursement Programs

At the January 14, 1998 regular meeting of the Agricultural Chemical Response Compensation Board (ACRRA Board), the Board discussed and agreed that it would be beneficial to solicit public comment on two (2) separate and different issues which have recently been brought to the attention of the ACRRA Board and the Minnesota Commissioner of Agriculture.

Issue # 1:

Pursuant to ACRRA Board statute and rules (*Minnesota Statutes* Chapter 18E, and *Minnesota Rules* 1512.011-1512.1100), certain corrective action costs are eligible for reimbursement or payment upon application to the ACRRA Board. Eligible costs must be "reasonable and necessary". Over the last several years several applicants have applied for reimbursement or payment of "mark up" costs. The ACRRA Board has been offered various justifications of these costs as reasonable and necessary. Other environmental response reimbursement programs (Minnesota Petro Fund, Wisconsin Agricultural Chemical Cleanup Program, etc) have different rules regarding the eligibility of "mark up" costs.

The Minnesota ACRRA Board wishes to solicit comment on this subject as background for future board decisions on eligibility determinations, potential need for rulemaking, and/or legislative statutory amendments.

Issue # 2:

Minnesota Statutes Chapter 18E.04, Subdivision 4. (1996), states, "The board shall pay a person that is eligible for reimbursement or payment ... from the Agricultural Chemical Response and Reimbursement Account [ACRRA] for: (1) 90 percent of the total reasonable and necessary corrective action costs greater than \$1,000 and less than or equal to \$100,000; and (2) 100 percent of the total reasonable and necessary corrective action costs greater than \$100,000 but less than or equal to \$200,000."

Essentially, eligible persons- after paying a \$1,000 "deductible"- can apply and receive up to \$189,100 from the ACRRA.

The ACRRA Board and the Commissioner of Agriculture have received inquiries from persons interested in changing this statutory provision to in effect allow for higher amounts of monetary reimbursement or payment from the ACRRA.

The Commissioner of Agriculture and the ACRRA Board solicit comment on this subject to evaluate future public or Department of Agriculture proposals to modify current statute with respect to maximum eligible reimbursement or payment from ACRRA.

Official Notices

Time for comment will be available at the end of regular Board business at each of the next five (5) scheduled regular ACRRA Board meetings [February 19, March 18, April 15, May 20, and June 17, 1998]. Persons wishing to comment will be afforded presentation time at the discretion of the Board Chair. All persons offering comment will be asked to submit their comments in writing.

Persons interested in offering written comment on either or both of the above two (2) issues should send comments to:

Paul Liemandt, Executive Director
ACRRA Board
Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul, MN 55107
or, via e-mail to: Paul.Liemandt@state.mn.us

Persons interested in offering verbal comments at any of the above described future ACRRA Board meetings should pre-notify the ACRRA Board staff of such interest by writing to Mr. Liemandt at the above address, or by contacting the ACRRA Board staff at (612) 297-3490.

Department of Agriculture

Rural Finance Authority

Notice of Meeting Schedule, Meeting via Conference Call

Future monthly meetings of the Rural Finance Authority Board are scheduled for 1:00 P.M. at 90 West Plato Blvd. on the following dates in 1998: February 4; March 4; April 1; May 6; June 3; July 1; August 5; September 2; October 7; November 4; December 2.

Some Members may participate in certain of these meetings by electronic means. In accordance with *Minnesota Statutes Sec. 471.705* (1997), the Agency, to the extent practicable, will allow a person to monitor those certain meetings electronically from a remote location. If such monitoring shall occur, the Agency may require the person making such a connection to pay for documented marginal costs that the Agency incurs as a result of the additional connection. For additional information, contact Wayne Marzlof, MN Department of Agriculture, 90 W. Plato Blvd., St. Paul, MN 55107 or call 612-296-1748.

Jim Boerboom
RFA Director

Minnesota State Agriculture Society

Minnesota State Fair

Notice of Rule Changes Governing Dogs, License Rates, Duration and Extension of Licenses, License Extension Procedures, New Licenses, Construction and Maintenance Improvements, Ownerships of Improvements, Transfers of Personal Property Interests, Prize Drawings, Wholesale Permits, Competitive Exhibition Times, Responsibility for Competitive Exhibits, and Interpretation of Rules

The Minnesota State Agricultural Society board of managers adopted the following rule changes at a general business meeting January 18, 1998. The following changes are made to rules that were last revised and published in the *State Register* on February 22, 1993.

PROPOSED CHANGES TO THE MINNESOTA STATE AGRICULTURAL SOCIETY RULES

January, 1998

1.18 Dogs

~~No dogs or other pets shall be allowed on the State Fairgrounds at any time unless restrained on a leash of less than six feet in length. Every totally or partially blind, physically handicapped or deaf person, or any person training a properly identified dog to be a service dog, may be accompanied by a service dog on the State Fairgrounds. No other dogs or pets shall be permitted on the State Fairgrounds during the State Fair except when part of an exhibit or demonstration authorized by the secretary or delegate or when confined within the State Fair campgrounds area. Society security and watch personnel are empowered to order the removal from the State Fairgrounds or its campgrounds any dog or pet not leashed as required or found to be disturbing or endangering the public.~~

During the period of the annual State Fair, no dogs or other pets shall be allowed on the State Fairgrounds. There are three exceptions: 1.) Certified Service animals or service animals in training. 2.) Dogs or other pets may be allowed when part of an exhibition or demonstration authorized by the secretary or delegate. 3.) Dogs or other pets may be allowed in the State Fair campgrounds when confined or restrained on a leash of less than six feet in length. No other exceptions will be allowed during the period of the State Fair. During the non-fair period, no dogs or other pets may be allowed on the State Fairgrounds at any time unless confined or restrained on a leash of less than six feet in length. During fair and non-fair periods, society personnel are empowered to order the removal from the State Fair or its campgrounds any dog or pet in violation of the above, or found to be disturbing or endangering the public.

2.01 License rates

Rates charged for licenses at the State Fair shall be set by the board of managers and implemented by the secretary or ~~commercial space director~~ delegate.

2.03 Duration and extension of licenses

Licenses are valid for a designated period as agreed in writing.

The fact that an operator has entered into an agreement for a designated period does not create a right nor should it create an expectation that the agreement will be extended for any subsequent term. The Society, through its board of managers, secretary and ~~commercial space director~~, delegate reserves the right at its sole discretion to not grant a new license for a subsequent term.

Notwithstanding the forgoing, the Society shall annually review all license agreements in consideration of offering a license for another term to operators from the previous term. The review shall be based on new or changing public needs, physical changes and upon performance of the operator as measured by established standards. The Society expressly reserves the right to not grant a new license at any time when it has determined that it is in the best interest of its patrons not to do so.

The granting of a new license for a subsequent term shall be on the basis of the same space, purpose, products, and ownership as in the prior term unless otherwise expressly provided by the secretary or ~~commercial space director~~ delegate. Grounds, space alterations or other operational changes as determined exclusively by the Society may make it necessary to alter or eliminate certain previously available commercial space from one year to the next. In such an instance, the Society may either offer an alternative location or elect to not grant a new license.

2.04 License extension procedures

The ~~commercial space director~~ secretary or delegate will send notices via first class mail to operators who held licenses during the immediately preceding term who are to be given an opportunity to obtain a new license. An acknowledgment and acceptance of the location assigned and other terms must be returned within 30 days of original mailing. Any requests for approval of change in location, purpose or products must be noted on the acceptance.

Official Notices

2.05 New licenses

In furtherance of its stated policy to seek out best-quality commercial exhibits and concessions, the Society may solicit and receive written proposals from independent parties having an interest in obtaining licenses at the State Fair. Proposals may be submitted at any time; they must be detailed in accordance with specifications provided by the Society. The secretary and ~~commercial space director~~ delegate shall exercise their best judgment in determining if changes in the present commercial space allocation are called for and, if so, which new commercial exhibits or concessions would best serve the interests of the Society and its patrons. Among the factors to be considered in this process are:

A. Availability of appropriate commercial space; B. The health and safety of State Fair patrons; C. The extent to which the proposed product or service duplicates those of other commercial exhibits or concessions; D. The appropriate mixture and balance of products and services available throughout the State Fairgrounds; E. The originality and quality of the proposed products or service; F. Experience and financial stability; G. The quality of presentation and professionalism demonstrated; H. Such other factors as the Society deems appropriate in determining its best interests and those of its patrons.

2.06 Construction and maintenance of improvements

The placement, construction or alteration of any privately owned building, booth, tent or enclosure on the State Fairgrounds must be approved in advance in writing by the secretary or ~~commercial space director~~ delegate. A person or entity intending to construct or alter such a facility shall submit a formal, written request along with plans and specifications to the ~~commercial space director~~ secretary or delegate showing that the proposed construction will be in compliance with applicable building codes and will be of an acceptable design and appearance. All tents must be flame-proofed and accompanied by a letter of certification showing annual flame-proofing treatment by an approved vendor.

The Society shall, from time to time, engage qualified engineering personnel and building and fire code officials to inspect and evaluate the structural condition and safety of buildings on the State Fairgrounds. The Society may order changes or modifications in the improvements of operators as it deems necessary. Changes or modifications so ordered must be accomplished within a reasonable time or structure may be ordered closed, removed or torn down at the expense of the operator.

2.07 Ownership of improvements

Improvements, whether affixed to State Fairgrounds property or portable, are classified as personal property as defined in chapter one of these rules. The use of any improvement on the State Fairgrounds is subject to the discretion of the Society and shall only be permitted pursuant to the terms of a valid license and these rules.

Portable personal property must be removed by its owner from the State Fairgrounds within 15 days following the State Fair or it will be removed or torn down at the owner's expense as directed by the ~~commercial space director~~ secretary or delegate. In the event that the secretary and ~~commercial space director~~ delegate determine that a new license involving a structure affixed to State Fair property will not be issued and that the affixed structure must be removed from the State Fairgrounds, the ~~commercial space director~~ secretary or delegate shall give written notice to the owner and provide a specific time for its removal and restoration of the underlying real property. Failure to remove and restore within the time specified shall result in the forfeiture of all rights in the affixed structure and the ~~commercial space director~~ secretary or delegate, on behalf of the Society, may take possession of and remove the same, charging any expense for removal and restoration to the owner.

2.10 Transfers of personal property interests

Absent compelling circumstances, the board of managers will not allow the transfer by contract, gift, assignment, bequest, devise, sublease, or otherwise of privately-owned structures affixed to State Fairgrounds property or situated in Society owned buildings.

When, in the judgment of the board of managers, it is in the best interest of the Society and its patrons to allow the structure of an owner situated on the State Fairgrounds to be transferred, the secretary or ~~commercial space director~~ delegate may grant written authorization for transfer of said structure. As an alternative to a third-party transfer, the Society may exercise authority to purchase the structure being offered for transfer, in which case the structure must either be transferred to the Society or removed from the Fairgrounds.

A request to transfer interest in a structure located on the State Fairgrounds shall be made in writing by the owner to the ~~commercial space director~~ secretary or delegate.

The ~~commercial space director~~ secretary or delegate shall respond in writing to the request for transfer within 30 days after its receipt. If a request for transfer is approved, notice of said transfer will be posted for 30 days at the State Fairgrounds administrative offices to advise the public.

The Society may, in its sole discretion, subsequently enter into a license agreement with the transferee. In connection therewith, the society will require the following:

- A. The transferee has applied for a license according to procedures defined under rule S.F. 2.05 and the proposal has been reviewed and accepted by the ~~commercial space director~~ secretary or delegate. Transferee acknowledges in writing acceptance of the fact that said transfer carries with it no guarantee of the issuance of a license.
- B. A full, written financial disclosure has been made concerning the structure transfer. The financial disclosure shall warrant that the purchase price paid was limited to the value of the structure, fitments and equipment acquired in the transfer. The disclosure shall also include an accredited appraisal by a Society approved appraiser of the structure, fitments and equipment being transferred. Valuation shall be based entirely on the cost approach.
- C. The transaction does not violate the Society's policy concerning multiple licenses or other Society commercial space rules.
- D. The transferee shows adequate experience and financial stability to successfully hold a license.
- E. The proposed transaction is reasonable, in the best interest of the Society, and is consistent with the health, safety and enjoyment of its patrons.

No transfer of a structure situated on the State Fairgrounds will be approved if the proposed purchase price is greater than the appraised value of the structure and personal property involved in the transfer.

Completion and execution of a Society commercial space transfer policy acknowledgment, verifying understanding and acceptance of Society transfer rules and procedures, and delivery of a copy of same to the ~~commercial space director~~ secretary or delegate, along with a properly executed purchase agreement between the parties, shall constitute finalization of approved structure interest transfer.

2.13 Prize drawings

No drawing for a prize or prizes may be conducted by a license holder without receiving permission in advance from the ~~commercial space director~~ secretary or delegate. Drawing must be conducted in accordance with procedures provided license holder at the time permission is granted.

2.14 Wholesale permits

Wholesale permits are issued by the Society to vendors who desire to solicit orders, deliver articles or provide services to license holders at the State Fair. Parties desiring wholesale permits for the State Fair must apply to the ~~commercial space director~~ secretary or delegate. Delivery vehicles not properly identified with a wholesale permit shall be prohibited from entering the State Fairgrounds during the State Fair. This permit does not authorize retail sales.

3.01 Competitive exhibition times

Times for the setup of State Fair competitive exhibits, the dismantling and removal of exhibits and the hours of public viewing will be set annually by the secretary or ~~competitive exhibits director~~ delegate and will be stated in individual department premium books.

3.02 Responsibility for competitive exhibits

The Society will use diligence to protect livestock and articles entered for exhibition, after their arrival and placement, but under no circumstances will it be responsible for any loss, injury or damage done to or caused by any animal or article on exhibition. It is the responsibility of the competitive exhibitor to obtain appropriate insurance for any damages due to or caused by the exhibit and to indemnify and hold the Society harmless against any claim arising out of incidents involving the exhibit. Removal or pickup of exhibits at established times as stated in individual department premium books, entry blanks or entry receipts, shall be the responsibility of the competitive exhibitor. The Society shall not be responsible for any exhibit not removed or picked up at established time and the secretary or ~~competitive exhibits director~~ delegate will dispose of all exhibits not removed or picked up within one year of such established time.

3.11 Interpretation of rules

A faithful observance of all rules governing the exhibit will be required, and when in doubt as to the application or meaning of a rule, the competitive department superintendent in charge shall interpret such a rule. This interpretation when requested by either a competitive exhibitor or judge must be reduced to writing and returned to the secretary or ~~competitive exhibits director~~ delegate with the award books.

Department of Health

Health Policy and Systems Compliance Division
Health Economics Program

TWO NOTICES:

- 1) 1998 Cost Containment Goals for Health Care Expenditures, and
- 2) Quarterly Change in Regional and National Consumer Price Index

Notice Regarding Cost Containment Goals for Health Care Expenditures in 1998

Minnesota Session Laws 1997, Chapter 150 amended several portions of *Minnesota Statutes* section 62J, Health Care Cost Containment. The primary effect of these amendments was to convert the growth limits on health plan companies' expenditures to cost containment goals. The Department of Health will still compute the 1998 rate of increase for health care spending, and health plan companies are encouraged to meet this goal. However, the 1997 amendments repealed the enforcement provisions of section 62J. In addition, the amendments repealed the limits on health care provider revenues found in *Minnesota Statutes* section 62J.042.

Pursuant to *Minnesota Statutes* section 62J.04, subdivision 1a, the Commissioner of Health is required to publish the actual cost containment goal for the rate of health care expenditures for the calendar year. The cost containment goal is based upon the methodology described in *Minnesota Statutes* section 62J.04, subdivision 1, and must reflect the change in the regional consumer price index for urban consumers for the previous year.

The rate of growth in the Consumer Price Index-All Urban Consumers for the North Central region of the United States in 1997 was 2.4 %. The actual cost containment goal for health care expenditures for calendar year 1998 is 5.0%.

Notice Regarding Quarterly Change in the Regional and National Consumer Price Index

Pursuant to *Minnesota Statutes* section 62J.04 subdivision 1, the Commissioner of Health is required to publish the quarterly change in the regional consumer price index for urban consumers. The publication of this change is intended to assist in monitoring movement in the general inflation rate as measured by the quarterly change in the North Central CPI-U index. The quarterly change and annualized seasonally adjusted change in the U.S. city average CPI-U index is also published for comparative purposes.

The change in the average, unadjusted North Central CPI-U index for all items, from the 3rd quarter 1997 to the 4th quarter 1997, is 0.30%.

The change in the average, unadjusted U.S. city CPI-U index for all items, from the 3rd quarter 1997 to the 4th quarter 1997, is 0.40%.

The seasonally adjusted annualized rate of change in the average U.S. city CPI-U index, from the 3rd quarter 1997 to the 4th quarter 1997, is 1.50%.

Health Technology Advisory Committee

Solicitation of Nominations for Technology Evaluation

The Health Technology Advisory Committee (HTAC) seeks nominations to be considered for technology evaluation. The criteria used by HTAC to select technologies can be located under *Minnesota Statute* 62J.15, Section 17, subdivision 2.

Nominations must be submitted in writing within 60 days from the publication of this notice. Nominations must be accompanied by the following specific supporting information:

Name and description of technology. (Include trade name, generic/common name, and name of the manufacturer, if applicable.) Specify condition/application. Include incidence/prevalence of condition. Cite or provide relevant peer-reviewed journal references which demonstrate the safety and efficacy of this technology. Include alternative technology(ies). (Include trade names and generic/common names. Also include names of manufacturers, if applicable.) Provide cost of technology per use and/or aggregate. Provide cost of alternative technology(ies) per use and/or aggregate. Describe how health outcomes with this technology compare to health outcomes with alternative technology(ies). Has any other group addressed/evaluated/assessed the technology in a comprehensive manner? If so, cite or provide. Are any significant clinical trials in progress? Are there any social, ethical, and/or legal issues that need to be addressed/considered? Include relevance to Minnesota population.

For a list of completed evaluations please contact HTAC staff.

In order for HTAC to consider any of these topics for evaluation/re-evaluation, the above-mentioned specific supporting information must be submitted.

Nominations and supporting information should be directed to Brenda Holden at:

121 East 7th Place, Suite 450
P.O. Box 64975
St. Paul, Minnesota 55164-0975
Fax: 612/282-5628
Phone: 612/282-6374

Department of Human Services

Health Care - Purchasing and Service Delivery

Public Notice Regarding Changes in Establishment of Rates for Local Trade Area Medical Assistance Inpatient Hospitals, and Clarification of Indian Health Service Facilities Under the Medical Assistance Program

NOTICE IS HEREBY GIVEN to recipients, providers of services under the Medical Assistance (MA Program), and to the public, of proposed legislative changes: (1) in how rates for out-of-state MA inpatient hospitals in local trade areas are established; and (2) that clarify what constitutes an Indian Health facility under the MA Program.

This notice is published pursuant to the federal Balanced Budget Act of 1997 (P.L. 105-33), signed by the President on August 5, 1997. Section 4711 of the Balanced Budget Act, amending Title XIX of the Social Security Act (42 *United States Code* section 1396a(a)(13)), requires the Department to publish proposed inpatient hospital payment rates, the methodologies underlying the establishment of such rates, and the justification for such rates.

Inpatient Hospitals. *Minnesota Statutes*, section 256.969, subdivision 17 defines "local trade area" as a county contiguous to Minnesota. Currently, MA rates for out-of-state inpatient hospitals located within a Minnesota local trade area (local trade area hospitals) are established using the same procedures and methods that apply to Minnesota inpatient hospitals. The Department is proposing to also require MA inpatient hospitals to be located in metropolitan statistical areas as determined by the Medicare Program and have more than 20 admissions in a base year. Current local trade area inpatient hospitals that will not meet this amended definition will be paid on a claim specific basis the lesser of a statewide average rate, or billed charges.

Minnesota's MA inpatient payment system establishes hospital specific rates for Minnesota hospitals and for local trade area hospitals. Hospital specific rates are established on hospitals' admissions and costs as allowed on the Medicare cost report in the base year. The proposed amendment to the definition of "local trade area" will result in more equitable rate setting. Currently, it is difficult to establish equitable rates if there is not a statistically valid number of base year admissions. It will not be necessary for inpatient hospitals to submit Medicare cost reports to the Department and review base year admissions. Thus, the change will be less burdensome for these particular hospitals.

The Department does not expect that the amendment will discourage hospitals from participating in the MA Program. It also does not anticipate any budget impact because a statewide average rate is inherently a statistically valid rate and reflects the cost of hospitals located in a county contiguous to Minnesota. This change is expected to be effective on January 1, 1999. If you would like additional information, please contact:

Richard Tester, Supervisor
Inpatient & Health Center Services Unit
Payment Policy Division
Health Care Administration
Minnesota Department of Human Services
444 Lafayette Road North, St. Paul, Minnesota, 55155-3853
(612) 296-5596

Official Notices

Facilities of the Indian Health Service and Facilities Operated by Tribes or Tribal Organizations. Effective July 11, 1996, a Memorandum of Agreement was signed between the Indian Health Service and the Health Care Financing Administration (HCFA), the branch of the U.S. Department of Health and Human Services that oversees the federal Medicaid (MA) Program. The agreement modified current HCFA policy with regard to payment of MA services provided to MA-eligible American Indian individuals. It provided that the definition of what is an Indian Health Facility is expanded to include facilities owned or operated by tribes or tribal organizations that are funded by the Indian Self-Determination and Education Assistance Act, P.L. 93-638. Further, the agreement provided that claims submitted for MA services by such facilities are paid at the rates negotiated by the Indian Health Service and HCFA.

Minnesota Statutes, section 256.969, subdivision 16 provides that Indian Health Service facilities are exempt from the MA inpatient hospital payment system of *Minnesota Statutes*, sections 256.9685-256.9695 and are paid at charges as limited to the amount allowed under federal law. The Department is proposing to include in this exemption facilities operated by tribes or tribal organizations operating as "638" facilities pursuant to Title I or III of the Indian Self-Determination and Education Assistance Act, P.L. 93-638. The amendment will also clarify that these facilities are paid the rates negotiated between the Indian Health Service and HCFA and published by the Indian Health Service in the *Federal Register*. The proposed change is expected to be effective approximately July 1, 1998.

Department of Human Services

Continuing Care for Persons with Disabilities

Public Notice Regarding Payment Rates Related to Intermediate Care Facilities for the Mentally Retarded

NOTICE IS HEREBY GIVEN to recipients, providers of services under the Medical Assistance (MA) Program, and to the public that this notice is published pursuant to §4711 of the Balanced Budget Act of 1997 (P.L. 105-33), signed by the President on August 5, 1997. Section 4711 of the Act amended Title XIX of the Social Security Act (42 *United States Code*, section 1396a(a)(13)) and requires the Department to publish proposed and final ICF/MR payment rates, the methodologies underlying the establishment of such rates, and the justification for such rates.

The Department is notifying interested persons that the Governor's supplemental budget for 1998 contains no changes to payment rates or to rate methodology for Intermediate Care Facilities for the Mentally Retarded (ICFs/MR). Therefore, the Department does not anticipate any change in the rates or methodologies for ICFs/MR for the rate year beginning October 1, 1998.

A copy of the budget may be obtained from John Fillbrandt, Minnesota Department of Human Services, Community Supports for Minnesotans with Disabilities, 444 Lafayette Road North, St. Paul, Minnesota 55155-3857.

Department of Human Services

Aging Initiative: Project 2030 - Continuing Care for the Elderly

Public Notice Regarding Payment Rates and Funding for Moratorium Exceptions Related to Nursing Facilities in the Medical Assistance Program

NOTICE IS HEREBY GIVEN to recipients, providers of services under the Medical Assistance (MA) Program, and to the public, of proposed payment rate changes and funding for moratorium exceptions for nursing facilities participating in the MA Program. The proposed rate changes are expected to be effective for rate years beginning on or after July 1, 1998.

This notice is published pursuant to §4711 of the Balanced Budget Act of 1997 (P.L. 105-33), signed by the President on August 5, 1997. Section 4711 of the Act amended Title XIX of the Social Security Act (42 *United States Code*, section 1396a(a)(13)) and requires the Department to publish proposed and final nursing facility payment rates, the methodologies underlying the establishment of such rates, and the justification for such rates.

The Department is notifying interested persons that the Governor's supplemental budget for 1998 contains the following proposed changes to payment rates or to rate methodology for nursing facilities:

1. The Governor's supplemental budget, and Department legislation, propose to amend *Minnesota Statutes*, section 256B.431 by adding a new subdivision 27 which proposes, for rate years beginning on or after July 1, 1998, to modify the determination of the spend-up limits in *Minnesota Statutes*, section 256B.431, subdivision 26, paragraph (a), by indexing each group's previous year's median value by the factor in *Minnesota Statutes*, section 256B.431, subdivision 26, paragraph (d), clause (2), plus one percentage point. It also provides, for rate years beginning on or after July 1, 1998, to modify the determination of the high cost limits in *Minnesota Statutes*, section 256B.431, subdivision 26, paragraph (b), by indexing each group's previous year's high cost per diem limits at .5 and one standard deviations above the median by the factor in *Minnesota Statutes*, section 256B.431, subdivision 26, paragraph (d) clause (2), plus one percentage point.

These changes are proposed to help low-cost nursing facilities from becoming automatically subject to more restrictive rate limits because of changes in the composition of nursing facilities in cost-based versus contract payment systems. The net effect of this change is an increase in nursing facility expenditures. The Governor's supplemental budget recommends an increase in the general fund budget base to cover increased nursing facility expenditures resulting from these changes of \$161,000 in State Fiscal Year 1999, \$182,000 in State Fiscal Year 2000, and \$184,000 in State Fiscal Year 2001.

The effect of the changes on individual cost-based nursing facilities was calculated on October 15, 1997, using data from the cost report year ending September 30, 1996. This information was the most recent available at the time this proposal was developed. If this proposal is enacted for rate years beginning on or after July 1, 1998, each nursing facility's rates will be rerun, incorporating these changes, based on the cost report year ending September 30, 1997. Therefore, the effect of the final rates will vary from currently available estimates.

2. The Governor's supplemental budget proposes to fund moratorium exception replacement costs for two nursing facilities destroyed by flooding in 1997. Legislation was enacted in 1997 (*Laws of Minnesota 1997*, chapter 105; *Laws of Minnesota*, chapter 203, article 1, section 3; and *Laws of Minnesota*, chapter 225, article 8, section 2) to provide an expedited moratorium exception for the two facilities. The Governor's supplemental budget recommends an increase in the general fund budget base of \$255,000 in State Fiscal Year 2000 and \$278,000 in State Fiscal Year 2001 to fund these moratorium exceptions.

A copy of the relevant budget pages and proposed rate changes may be obtained from Sue Banken, Minnesota Department of Human Services, Aging Initiative, 444 Lafayette Road North, St. Paul, Minnesota 55155-3844, (612) 296-5724.

Legislative Coordinating Commission

Board of Trustees

Candidate Advisory Council

Candidates Sought for the Board of Trustees of the Minnesota State Colleges and Universities MnSCU

The Board of Trustees Candidate Advisory Council is currently seeking candidates for the Board of Trustees of the Minnesota State Colleges and Universities to fill positions on the Board in congressional district 7 and 3 at-large seats.

The Council is responsible for recruiting and recommending candidates to the governor for appointment to the Board of Trustees. Members of the Board of Trustees receive per diem and expenses.

For further information and/or application forms, please contact Barb Patterson at (612) 296-9002, 85 State Office Building, St. Paul, MN 55155. Applications must be received by 5:00 p.m., March 16, 1998.

Official Notices

Teachers Retirement Association

Notice of Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, February 12, 1998 at 9:00 a.m. in Suite 500, Gallery Building, 17 W. Exchange Street, St. Paul, MN to consider matters which may properly come before the Board.

Department of Transportation

Petition of the City of Fridley for a Variance from State Aid Requirements for BIKE PATH WIDTH

NOTICE IS HEREBY GIVEN that the Fridley City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed construction project on Trunk Highway No. 65, between 53rd Avenue and Lake Pointe Drive, in the City of Fridley, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9995, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow a 2.4 meter bituminous trail, in lieu of the required 3 meter wide bike path on the proposed construction project on Trunk Highway No. 65, between 53rd Avenue and Lake Point Drive, in the City of Fridley, Minnesota.

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

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

Dated: 25 January 1998

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Department of Transportation

Petition of the City of South St. Paul for a Variance from State Aid Requirements for BIKE PATH ELIGIBILITY

NOTICE IS HEREBY GIVEN that the South St. Paul City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed reconstruction project, known as State Project No. 168-090-02 in the City of South St. Paul.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.3100, Subpart 7a, to allow eligibility of bike path work outside the required project limits on the proposed construction project known as State Project No. 168-090-02 in the City of South St. Paul.

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

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

Dated: 23 January 1998

Patrick B. Murphy
Division Director
State Aid for Local Transportation

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about 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 Children, Families and Learning

Notice of Application for Continued Funding From the Bureau of Justice Assistance

The Office of Drug Policy and Violence Prevention is submitting an application for continued funding from the Bureau of Justice Assistance. The Edward Byrne Memorial State and Local Law Enforcement Assistance (Byrne) Program, authorized by the Anti-Drug Abuse Act of 1988, is administered by the Bureau of Justice Assistance (BJA) of the Office of Justice Program (OJP), U.S. Department of Justice. The program is designed to assist States and local units of government in carrying out specific programs that offer a high probability of improving the functioning of the criminal justice system. Special emphasis is placed on drug-related and violent crime, serious offenders, and multi-jurisdictional and multi-State efforts to support the National Drug Control Strategy. Those wishing to receive a copy of the application may contact Mary Ellison at the Department of Children, Families and Learning at 612/297-5755.

Department of Health

AIDS/STD Prevention Services Section

Corrections to *State Register* Announcement of January 5, 1998: Request for Proposals for HIV/STD Prevention Programs

The following are corrections to the *State Register* Announcement made on January 5, 1998 changing the eligibility requirements, due date for Letters of Intent and due date for proposals.

Purpose

The Minnesota Department of Health (MDH) has funds available for a 24 month period (January 1, 1999 - December 31, 2000) for HIV/STD prevention programming, that includes targeted outreach and intervention, within the following program categories: (1) HIV Infected Persons; (2) Injecting Drug Users; (3) Men Who Have Sex With Men; (4) Men of Color Who Have Sex With Men; (5) Gay and Bisexual Youth; (6) Youth at Risk; (7) Persons at Risk Residing in Greater Minnesota; (8) Heterosexuals at Risk; and, (9) Heterosexuals of Color at Risk. (Persons of color are described as African Americans, American Indians, Asian/Pacific Islanders and Hispanics. Populations of Color in Minnesota, Health Status Report," Spring, 1997, The Urban Coalition and the MDH)

All proposals submitted should include strategies that address the relationships between HIV/STD transmission and all forms of chemical dependency and chemical use within the target population, and should include strategies that specifically target persons who are also: possessing of feelings of lack of control and self-determination, despair and/or hopelessness; and/or low income, homeless, undocumented, jobless, speak English as a second language, and/or educated at a minimal, formal level. Proposals submitted should also include strategies that address maintenance of long-term behavior change.

Amount

Up to \$3,506,350
(for a 24 month period)

Duration

The grant contract period is established for 24 months, January 1, 1999 - December 31, 2000. Funded programs may be eligible to apply for additional future funding through December 31, 2003. This continuation or expansion funding will be dependent upon the availability of state and federal HIV/STD prevention funds to the MDH and satisfactory program performance during the first two years. This funding may also be available to agencies submitting qualifying proposals in this competitive process that do not receive an award from MDH for January 1, 1999, nor are funded for the proposed program from any other source subsequent to this process.

State Grants & Loans

Eligibility

1. Any public or private agency (not-for-profit, 501-C3) that can demonstrate administrative, organizational, programmatic, and fiscal capability to plan, develop, implement, and evaluate the proposed program. Organizations and individuals who are not registered as a 501-C3 and interested in submitting a proposal are required to identify an eligible agency to be the applicant agency, and collaborate with this agency to submit the proposal on their behalf.
2. Demonstrated evidence of, or a plan for: a) ongoing input into the program development, implementation and evaluation from the target population; ~~b) 50% of the proposed program staff are from the target population you propose to reach; AND, c) one or more of the following: i) a minimum of 50% of the agency's board is from the target population you propose to reach; ii) a minimum of 50% of the agency's management is from the target population you propose to reach; iii) b) a minimum of 50% of current/expected clients are from the target population you propose to reach; and, c) a program and staff development plan for management, board, program staff and program volunteers that builds sensitivity to and/or encourages representation from the target population that the applicant intends to reach.~~

Procedure for Grant Application

Letters of Intent

Agencies intending to submit a proposal for HIV/STD prevention programming are required to submit a Letter of Intent by 4:00 p.m., Monday, ~~February 2~~, March 2, 1998. A Letter of Intent Outline which describes the required format is available upon request.

Full Proposals

All agencies which meet the eligibility criteria outlined above and which submit a Letter of Intent by the deadline are eligible to submit a full proposal. The complete request for proposals packet is available upon request, including instructions, format, and necessary forms. Agencies seeking MDH funding for HIV/STD prevention programming are required to submit 10 copies of the completed proposal by 4:00 p.m., Friday, ~~April 10~~, May 8, 1998.

All submissions are final. Full and complete proposals not received by the deadlines outlined above will not be considered.

Letters of Intent and Full Proposals are to be submitted by the specified date and time to:

Gary Novotny
Prevention Programs Unit
AIDS/STD Prevention Services Section
Minnesota Department of Health
717 S.E. Delaware Street
P.O. Box 9441
Minneapolis, Minnesota 55440-9441
(612) 623-5698

Department of Trade and Economic Development

Business and Community Development

Request for Applications: Community Development Corporations 1998-1999

Introduction

The Minnesota Legislature, during the 1993, 1995, and 1996 sessions, amended the statutes governing community development corporations. *Minnesota Statutes* 116J.982 includes specific standards and procedures for a CDC to become "certified" and therefore eligible to receive grants and enter into contracts with the State.

To become certified, a CDC must fulfill all basic eligibility standards and provide documentation indicated on the application which is available by contacting the Department of Trade and Economic Development (DTED) at the address and telephone number indicated below.

Benefits of Certification

Only certified CDCs will be able to apply for CDC grant funds provided by legislation and available through DTED. During FY98 a total of \$50,000. is available to CDCs.

Grant funds will be available for several purposes: (1) specific economic development projects within the designated area, (2) dissemination of information about, or taking applications for, programs operated by the Commissioner, or (3) developing the internal organizational capacity to engage in economic development activities.

Organizations designated as certified CDCs will receive regular updates of information from DTED on departmental programs and initiatives, so that the CDC can be an effective intermediary for providing information in its service area.

At the discretion of the Commissioner of the Minnesota Housing Finance Agency (MHFA), certified CDCs may enter into contracts with MHFA for purposes of housing activities associated with economic development activities.

A certified CDC is also exempt from real estate licensure requirements of *Minnesota Statutes* 82.80 (Call DTED to receive a copy of this section of the statutes).

Deadlines for Certification Applications

To be eligible for FY98 grant funds, applications for certification must be received by the Department of Trade and Economic Development by 2:30 p.m., March 6, 1998. CDCs that the Commissioner determines meet the certification criteria will be notified that they are certified, and will be provided with information about the grant program for FY98.

Summary of Amended Legislation

Minnesota Statutes 116J.982 sets forth a number of requirements and qualifications for certification. These are summarized below.

Incorporation

A community development corporation must be a non profit corporation under *Minnesota Statutes* 317A, the "Minnesota Non Profit Corporation Act." It stipulates the requirements for incorporation as a non profit organization; evidence from the Secretary of State's Office that the CDC has met those requirements will be required as part of the certification process. The CDC must also be tax exempt under Section 501 (C) (3) of the Internal Revenue Service (IRS), and also be able to document that status.

If a corporation is a non profit but has yet to receive its notification from the IRS that it is a 501 (C) (3) it may still apply to become a state certified CDC; on the application the corporation will then be asked whether it has applied to the IRS and when it plans to attain that status.

Purpose of the Corporation

The major purpose of the corporation must be economic development, redevelopment, housing in its designated area. Articles of incorporation or bylaws will be required to document the organization's purpose.

Designated Area

The CDC must designate a low income area as the geographic community in which it will operate. Within the cities of the first class (Minneapolis, St. Paul, and Duluth), a designated community must be an identifiable neighborhood or combination of neighborhoods, but it may not be the entire city. In other parts of Minnesota, a designated community cant include an entire economic development region or cross regional boundaries. Those regions are the twelve regions established under *Minnesota Statutes* 462; contact DTED if you have any questions about geographic acres covered by those regions.

Low Income Requirements

For purposes of the Community Development Corporation certification grant program "Low income" means 80% of median gross income below the Housing and Urban Development (HUD) low income level. Low income standards vary on a local basis. To receive 1997 low income criteria for your community, please telephone Gerry Wenner at DTED, (612) 297-1844 or (800) 657-3858.

"Low income area" means an area in which 10% of the population have low incomes, or there are one or more recognized areas such as census tract, city, township, or county in which 15% of the population have low incomes.

The HUD low income guidelines will be helpful in determining whether the non profit corporation's board of directors meet the low income requirement (see "board membership" below).

State Grants & Loans

Board of Directors Membership

A CDC's board membership can fulfill the requirements of certification in either of two ways:

- 1) The corporations's membership and board of directors must be representative of the designated area. At least 20% of the directors must have low incomes, or reside in low income areas. At least 60% of the directors must be residents of or employed in the designated area. Other directors must be in business, financial, or civic leaders or representatives at-large of the designated area. At least 40% of the directors must reside in the designated community.
- 2) A corporation which meets board structure requirements for a Certified Housing Development Organization (CHDO) under United States 24 CFR part 92.2, can meet the board membership requirements for CDC certification under the Minnesota statute. (The CHDO certification was developed to establish organizations eligible to receive funds under the HOME program.) Information on the community development housing corporation program requirements can be obtained by calling Denise Rogers at the Minnesota Housing Finance Agency, (612) 296-8206 or (800) 657-3769.

Professional, Technical & Consulting Contracts

Whichever route the CDC selects, it will be required to provide documentation of how it meets these criteria.

In addition, the corporation is advised that it must not discriminate against any person(s) on the basis of a statute protected under *Minnesota Statutes* 363, the Minnesota Human Rights Act. For more information on the provisions of that act contact the Department of Human Rights, (612) 296-5663.

Technical Qualifications

The corporation must be skilled in the analysis and packaging of economic development, redevelopment, or housing projects, and must be familiar with available public and private funding sources. During the past three years, the corporation must have completed two or more economic development, redevelopment, or housing projects within the designated area. For these projects to qualify, the organization must have primary responsibility for coordinating the execution and completion of the activities.

If the corporation does not presently have the skills within the organization, it must be able to describe how it will obtain these skills during the certification period, with its precise plan and schedule for acquiring the training or skills.

Certification Period

Certification is for a period of two years from the date of certification, and can be renewed. DTED will provide re-certification materials to those organizations seeking renewal of their status.

For Additional Information

If you have additional questions or would like to receive an applications please contact:

Gerry Wenner
Business And Community Development Division
DTED
500 Metro Square Building
121 7th Place East
St. Paul, Minnesota 55101
Telephone: (612) 297-1844
(800) 657-3858

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, 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].

Minnesota State Colleges and Universities (MnSCU)

Inver Hills Community College

Proposals Sought for a Telecommunications System

Inver Hills Community College is seeking a fully integrated telephone and voice mail system to include installation, operational training, and continuing support. Prospective responders may request a complete copy of the Telecommunications Specifications from:

Jon Brimacomb, Director of Advanced Technology
Inver Hills Community College
2500 E. 80th St.
Inver Grove Heights, Mn. 55076
FAX: (612) 450-8679
E-Mail: jbrimac@ih.cc.mn.us

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

Proposals are to be forwarded to Jon Brimacomb at the above address, on or before 2:00 p.m. on March 13, 1998. Late proposals will not be accepted.

Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Also note on the outside lower left hand corner "Telecommunications Proposal." The proposal must be signed in ink by an authorized member of the firm.

Proposers must attend a on-site visitation conference at Inver Hills Community College on Friday, February 20, 1998, at 9:00 a.m. in Conference Room B in the College Center Building. This is a requirement of submitting a proposal and the only opportunity for a conducted tour of the campus.

Department of Finance

Notice of Request for Proposals for Financial Advisor Services

The Minnesota Department of Finance is seeking proposals for a financial advisor to review outstanding bond issues to determine the potential for refunding and if the Commissioner of Finance deems feasible, to assist in the sale of the refunding bonds.

To receive a complete Request for Proposal and background information, please call or write:

Susan E. Gurrola
Cash and Debt Management
Minnesota Department of Finance
458 Cedar Street
4th Floor Centennial Office Building
Saint Paul, Minnesota 55155
(612) 296-8373

NOTE: Details concerning submission requirements, including due dates are included in the Request for Proposal. No other Minnesota Department of Finance personnel are authorized to discuss the project with responders before the submittal of the proposal.

Responses are due by 4:30 p.m., February 20, 1998.

Professional, Technical & Consulting Contracts

State Board of Investment

Notice of Intent to Retain Private Money Management Firms to Manage Certain Pension and Other Assets

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

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

Please refer to this notice in your written request.

Department of Labor and Industry

Notice of Request for Proposals for Making the Programs Year 2000 Compliant without Modifying Databases

The Department of Labor and Industry, Information Technology Services is requesting proposals from Vendors who are experienced in doing an inventory assessment of MapperC (level L5R2.E4) programs, for the purpose of making the programs year 2000 compliant without modifying the databases. This includes identifying all programs and functions that need to be modified to make the programs compliant. The expected lines of code to be reviewed is under 350,000 lines.

If you are interested in receiving the full RFP please contact Jeanne Bortz at 612-297-4592.

Proposals must be received by the Department of Labor and Industry no later than 4:00 PM February 23, 1998.

Department of Natural Resources

Division of Forestry

Notice of Request for Proposals for Provision of Fire Weather Forecasts and Other Meteorological Services

NOTICE IS HEREBY GIVEN that the Department of Natural Resources, through its Division of Forestry is requesting proposals to provide spot fire weather forecasts to DNR prescribed burners during the typical spring and fall burning seasons. Fire weather forecasts need also be provided to DNR Fire suppression personnel during these same time periods.

Experience in fire weather forecasting and fire danger rating systems is required. The ability to provide spot forecasts by 7:30 AM each day during the burning season is essential.

To obtain a copy of the complete Request for Proposal, please contact:

Diane Campbell
DNR Forestry
500 Lafayette Road
St. Paul, MN 55155-4044
(612) 297-1974

Proposals are due no later than 11:00 a.m., February 13, 1998.

Department Of Transportation

Engineering Services Division

Notice of Availability of Contract for Assessing Properties or Media Known or Suspected to be Impacted by Pollutants, Contaminants or Hazardous Wastes

A statewide T-Contract program for Environmental Services wherein multiple consultants will be under contract to perform work for the assessment of properties or media known or suspected to be impacted by pollutants, contaminants or hazardous wastes in connection with the operation of the Minnesota Department of Transportation. Work will be issued through work order contracts.

This T-Contract program will run for approximately 2 years and has a total value of \$3,000,000.00. It is anticipated that approximately eight (8) consultants will be selected for this program.

Work is proposed to start after June 15, 1998.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors will receive the equivalent of a 6% preference in the evaluation of their proposal.

Request for Proposals will be available by mail from this office through February 18, 1998. **A written request (direct mail or FAX) is required to receive the Request for Proposal. Indicate whether your firm is a Targeted Group Business in your written request.** After February 18, 1998, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from the MN/DOT Associate Agreements Administrator:

Mr. Mark G. Hagen
Consultant Services Unit
Minnesota Department of Transportation
395 John Ireland Boulevard, Mailstop 680
St. Paul, Minnesota 55155
Fax: (612) 282-5127

Proposals in response to the Request for Proposals in this advertisement must be received at the above address no later than 2:00 P.M. on March 2, 1998. **No proposals will be accepted after 2:00 P.M.** No time extensions will be granted.

This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the Department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Hennepin County Attorney

Civil Division

Notice of Solicitation of Interest for Outside Counsel

Hennepin County Board Resolution No. 93-5-408R1 requires the County Attorney to advertise annually for attorneys/firms who are interested in providing legal services to Hennepin County. Although nearly all legal work performed by the County is done by the staff attorneys in the County Attorney's Office, the office does enter into a limited number of special attorney contracts each year. Recent examples include: bond counsel, bond litigation, construction litigation, health law, real estate, title work, intellectual property and bankruptcy.

Responses to this solicitation will serve as a starting point for retaining outside legal counsel. The County Attorney is not precluded from soliciting proposals from law firms or individuals which have not responded to this initial solicitation of interest or from seeking requests for proposals for specific legal work. The selection of outside counsel is not subject to the Minnesota competitive bidding laws and any recommendation of the County Attorney's Office is subject to approval by the County Administrator and/or County Board.

Attorneys or law firms who are interested in the inclusion of their name on an outside counsel selection list should obtain and complete an Outside Counsel Selection Questionnaire. This questionnaire may be obtained by contacting Mary Battmer, A-2000 Government Center, Minneapolis, Minnesota 55487, telephone - (612) 348-5742.

Metropolitan Council

Request for Information Concerning On-site Copy Center Management and Equipment

The Metropolitan Council is issuing a Request for Information (RFI) from companies to provide management of a Copy Center and furnish equipment needed by Council staff at their St. Paul offices. The general purpose of the RFI is to solicit information and ideas from vendors regarding proposed solutions to identified needs.

The information gathered during the RFI process will be used to determine if Council goals can be achieved by out-sourcing and may be used to define future request for proposal (RFI) specifications. Responses will not be ranked.

To receive an information packet, interested companies may call 612-602-1499, or fax 612-602-1083, or write to the Metropolitan Council, Purchasing Department, 230 East 5th Street, St. Paul, Minnesota 55101. Responses are due on February 16, 1998.

This is a Request for Information only and is issued to enable the Council to evaluate the potential capability of companies to provide these services and does not intend to guarantee, promise or commit the Metropolitan Council to enter into an agreement for goods or services.