

State of Minnesota

State Register



**Proposed, Adopted, & Expedited Rules; Executive Orders; Appointments;
Commissioners' Orders; Revenue Notices; Official Notices;
State Grants & Loans; State Contracts; Non-State Public Bids, Contracts & Grants**
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State Register

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The *State Register* is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes*, Chapter 14, and *Minnesota Rules*, Chapter 1400. The *State Register* contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Vetoes Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-state Public Bids, Contracts and Grants

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# 40	Monday 4 April	Noon Tuesday 29 March	Noon Wednesday 23 March
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Minnesota Rules: Amendments & Additions

Cumulative Rules Index - Vol. 35, #1-39: July 6, 2010-March 28, 2011 1450

Proposed Rules

Employment and Economic Development Department (DEED)

Division of State Services for the Blind:

Proposed Permanent Rules Relating to Rehabilitation;
Visually Disabled..... 1453

Expedited Emergency Rules

Natural Resources Department (DNR)

Adopted Expedited Emergency Game and Fish Rules:
2011 Bear Season and Permit Procedures..... 1492
Adopted Expedited Emergency Game and Fish Rules:
2011 Moose Season Quotas..... 1494

Executive Orders

Office of the Governor

Executive Order # 11-05: Creating the Early Learning Council..... 1496
Executive Order # 11-06: Creating Public Disclosure for
Minnesota's Managed Care Health Care Programs..... 1497

Official Notices

Meetings, Notices, Comments Sought..... 1499

Comprehensive Health Association (MCHA)

Notice of Meetings of the Actuarial Committee March 30, 2011..... 1499

Human Services Department (DHS)

Health Services and Medical Management Division:

Request for Information about Health Care
Delivery Systems Demonstration Project..... 1499

Labor and Industry Department (DLI)

Labor Standards Unit:

Correction to Commercial Prevailing Wage Rates
Certified February 22, 2011..... 1500

Public Safety Department (DPS)

Driver and Vehicle Services Division:

Request for Comments on Possible Amendments to
Rules Governing School Bus Driver Qualifications,
and Possible New Rules Governing Commercial
Driver's License Medical Qualification and Certification..... 1500

Teachers Retirement Association (TRA)

Meeting of the Board of Trustees April 14, 2011..... 1501
Meeting of the Internal Audit Subcommittee April 13, 2011..... 1501

Transportation Department (Mn/DOT)

Engineering Services Division,

Office of Construction and Innovative Contracting:

Notices of Suspension and Debarment..... 1502

State Grants & Loans

Apply for Grants & Loans..... 1503

Health Department (MDH)

Environmental Health Division,

Lead Hazard Control Grant Program:

Intent to Request Release of Funds..... 1503

Human Services Department (DHS)

Children and Family Services:

CORRECTED VERSION of Request for Proposal to Create
Data Collection Tools and Conduct Analysis of
Child Care Provider Market Rate Data in Minnesota..... 1504

Child Safety and Permanency Division:

Request for Proposals to Achieve the Goals of the Indian Child
Welfare Act and the Minnesota Family Preservation Act..... 1506

State Contracts

Agency Work Open for Bid..... 1507

Administration Department (Admin)

Real Estate & Construction Services:

Request for Qualifications (RFQ) for Construction Manager at Risk
for New Emergency Operations Center at the Arden Hills Army
Training Site in Arden Hills, MN: RECS Project # 07012AHL..... 1507

Colleges and Universities, Minnesota State (MnSCU)

Dakota County Technical College:

Request for Proposals for Media Placement Services..... 1508

Facilities Design and Construction:

Request for Information (RFI) for Architectural, Owner's
Representative, Real Estate and Other Related Professional
and Technical Services for a Master List of Consultants..... 1508

Minnesota West Community and Technical College:

Request for Proposals Sought for Food Service..... 1509

South Central College:

Advertisement for Sealed Bids for SCC Academic Support Remodel..... 1509

Employment and Economic Development Department (DEED)

Notice of Availability of Contract for Shovel Ready Certification..... 1510

Health Department (MDH)

Availability of Contract for Minnesota Pregnancy Risk
Assessment Monitoring System (PRAMS)..... 1510

Minnesota Historical Society (MHS)

Request for Bids for Library Video Editing Systems and
Audio/Video Equipment Reconfiguration and Installation..... 1511
Request for Bids for Site Improvement Project
at the Fort Ridgely Historic Site..... 1511

Department of Natural Resources (DNR)

Availability of Contract to Develop a Brand and
Market Plan for Terrestrial Invasive Species Education
Targeting Minnesota Recreationists..... 1512

Pollution Control Agency (MPCA)

Request for Proposals for Professional/Technical Contract
for Technical Support for Air Quality Index (AQI) Program..... 1512

Transportation Department (Mn/DOT)

Engineering Services Division:

Contracting Opportunities for a Variety of General
Organizational Related Activities..... 1513

Engineering Services Division:

Contracting Opportunities for a Variety of Highway Related
Technical Activities ("Consultant Pre-Qualification Program")..... 1514

Engineering Services Division:

Professional/Technical Contract Opportunities and
Taxpayers' Transportation Accountability Act Notices..... 1514

Research Services Section

(Policy, Safety & Strategic Initiatives Division):

Request for Proposals for Research Services
Academic Research Program..... 1515

Non-State Bids, Contracts & Grants

Projects with Other Agencies..... 1515

Metropolitan Airports Commission (MAC)

Minneapolis-Saint Paul International Airport:

Call for Bids for Fiber Ring Upgrade 2011..... 1516

Minneapolis-St. Paul International Airport:

Call for Bids for Runway 12R/30L Tunnel Fans and Dampers..... 1516

Minneapolis-Saint Paul International Airport:

Call for Bids for 2011 Multiple Building Roof Replacements..... 1517

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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. 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, but 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.

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 #40-52 inclusive, with final index (#1-52, or 53 in some years). 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, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155, phone: (612) 297-3000, or toll-free 1-800-657-3757.

Rules Index: Vol. 35, #1 - 39

Cumulative Index for *Minnesota Rules* appearing
Monday 6 July 2010 - Monday 28 March 2011

Labor and Industry Department

Construction Codes and Licensing Division

1370.0100; .0110; .0120; .0130; .0140; .0150; .0160; .0170; .0180; .0210; .0230; .0361 (proposed).....	5
1370.0100; .0110; .0120; .0130; .0140; .0150; .0160; .0170; .0180; .0210; .0230; .0361 (adopted).....	1427
1370.0190; .0220 (proposed repealer).....	5
1370.0190; .0220 (repealed).....	1427

Agriculture Department

1510.2310; .2320; .2330; .2355 (proposed).....	859
1510.2310; .2320; .2330; .2355 (proposed).....	1325
1505.0610; .0620; .0630; .0640; .0650; .0660; .0670; .0680; .0730; .0732; .0734; .0740; .0750; .1300; .1310; .1320; .1330; .1340; .1350; .1360; .1370; .1380; .1390; .1400; .1410; .1420; .1430; .1440; .1450 (proposed repealer).....	859
1505.0610; .0620; .0630; .0640; .0650; .0660; .0670; .0680; .0730; .0732; .0734; .0740; .0750; .1300; .1310; .1320; .1330; .1340; .1350; .1360; .1370; .1380; .1390; .1400; .1410; .1420; .1430; .1440; .1450 (proposed repealer).....	1325
1515.3000; .3200; .3300; .3400; .3500; .3600; .3800 (proposed).....	1153
1515.3100 s. 4, 5; .3700 (proposed repealer).....	1153
1550.1650; .1720 (adopted exempt).....	627

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

1800.0050; .0100; .0110; .0120; .0130; .0140; .0400; .1500; .1700; .2100; .2200 (proposed).....	935
1800.1500 s. 5; .2100 s. 3, 4 (proposed repealer).....	935

Assessors Board

1950.1000; .1010; .1020; .1030; .1040; .1050; .1060; .1080; .1090 (proposed).....	1267
1950.1000 s. 4; .1080 s. 3a, 6 (proposed repealer).....	1267

Cosmetologists Board

2105.0200; .0330 (adopted exempt).....	801
--	-----

Chiropractic Examiners Board

2500.7000 (proposed).....	942
---------------------------	-----

Corrections Department

2920.0100; .0210; .0500; .0800; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1800; .2000; .2100; .2400; .2500; .2600; .2700; .2800; .3000; .3200; .3400; .3600; .3700; .3800; .3900; .4000; .4100; .4300; .4400; .4600; .4900; .5000; .5100; .5200; .5300; .5400; .5700; .5900; .6000; .6100; .6200; .6300; .6400; .6500; .6600; .6700; .6800; .6900; .7200; .7300; .7400; .7500; .7600 (proposed).....	177
2920.0100 s. 11 becomes 2920.0100 s. 16a (proposed renumbering).....	177
2920.0100 s. 6, 7, 9, 14, 15, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28; .0200 s. 1; .0500 s. 3; .1900; .2300; .2900; .3100; .3300; .3500; .3700 s. 4; .3800 s. 3, 5; .4200; .4700; .4800; .5500; .5600; .5800; .6700 s. 5; .7500 s. 1, 4, 5, 7, 8, 10, 11; .7700; .7800; .7900 (proposed repealer).....	177

Dentistry Board

3100.0100; .0400; .1100; .1200; .1300; .1400; .1600; .1700; .1850; .3100; .3200; .3300; .3500; .3600; .5100; .5200; .5300; .5400; .6100; .6200; .6300; .6325; .6350; .6400; .6500; .6700; .7000; .7200; .8100; .8200; .8300; .8400; .8500; .8700; .8800; .9100; .9200; .9300; .9400; .9500; .9600 (proposed).....	459
3100.0100 s. 2c, 8a, 17, 18; .0200; .2000 s. 1, 1a, 2, 3, 4, 5, 6, 9, 9a, 10; .6300 s. 13 (proposed repealer).....	459

Minnesota Rules: Amendments and Additions

Employment and Economic Development

Department (DEED)	
3325.0100; .0110; .0120; .0130; .0135; .0140; .0142; .0145; .0150; .0165; .0175; .0180; .0190; .0200; .0205; .0208; .0210; .0220; .0230; .0240; .0250; .0260; .0270; .0420; .0430; .0435; .0440; .0445; .0450; .0460; .0470; .0478 (proposed).....	1453
3325.0100 s. 4; .0110 s. 8, 9, 18, 19, 23, 24, 25, 32, 34, 42, 43, 48, 52, 56, 57, 61, 62, 63, 64, 68, 69, 70, 71, 73, 74, 75, 79, 82, 85, 86, 89, 90; .0140 s. 4, 5, 6, 7; .0150 s. 4; .0160; .0170; .0220 s. 6; .0280; .0290; .0300; .0310; .0320; .0330; .0340; .0350; .0360; .0370; .0380; .0390; .0400; .0410; .0420 s. 6, 9; .0460 s. 2, 3, 4, 5, 7, 10; .0470 s. 5; .0480; .0490 (proposed repealer).....	1453
3325.0440 s. 6, repealed effective July 1, 2011, effective for all individualized plans for employment, including those in effect on that date (proposed repealer).....	1453

Environmental Quality Board

4410.4300 (proposed).....	1083
---------------------------	------

Health Department

4605.7030 (proposed).....	1223
4606.3300; .3302; .3303; .3304; .3305; .3306 (proposed).....	1156
4606.3302 s. 9, 18 (proposed repealer).....	1156
4626.2015; 4668.0012 (proposed).....	887
4654.0200; .0300; .0800 (proposed expedited).....	194
4654.0200 s. 11 becomes 4654.0200 s. 2a (proposed expedited renumbering).....	194
4654.0200; .0300; .0800 (adopted expedited).....	802
4654.0200 s. 11 becomes 4654.0200 s. 2a (adopted expedited renumbering).....	802
4717.7860 (proposed).....	615
4717.7860 (adopted).....	1395
4717.7500 s. 3, 3a, 6a, 8, 14, 25, 36, 39a, 40a, 41, 43, 46, 50, 52, 52a, 61, 65, 68, 70, 77a, 78b, 79, 80a, 81a, 85, 88b, 89 (proposed repealer).....	615
4717.7500 s. 3, 3a, 6a, 8, 14, 25, 36, 39a, 40a, 41, 43, 46, 50, 52, 52a, 65, 68, 70, 77a, 78b, 79, 80a, 81a, 85, 88b, 89 (repealed).....	1395
4731.2320; .2360; .2510; .2520; .2650; .4070; .4350; .4411; .4412; .4414; .4430; .4433; .4436; .4443; .4444; .4445; .4446; .4458; .4459; .4479; .4525; .4526; .4600; .4605; .4610; .4612; .4615; .4620 (proposed).....	421

Plumbing Board

4715.0100; .0200; .0950; .1410 (proposed expedited).....	719
4715.0100; .0200; .0950; .1410 (adopted expedited).....	1171
4715.0320 (adopted exempt).....	1053

Minnesota Office of Higher Education (OHE)

4850.0011; .0012; .0014; .0015; .0016; .0017; .0024 (proposed).....	655
4850.0011; .0012; .0014; .0015; .0016; .0017; .0024 (adopted).....	1092

Labor and Industry Department

5200.0320 (adopted exempt).....	505
5200.1010; .1040; .1100; .1101; .1102 (proposed).....	301
5205.0010 (proposed exempt).....	911
5205.0010 (proposed exempt).....	1199
5205.0010; 5208.1500 (proposed exempt).....	531
5205.0010; 5208.1500 (proposed exempt).....	801
5219.0500; 5221.4020 (adopted exempt).....	461
5221.4005; .4010; .4020; .4030; .4035; .4040; .4050; .4051; .4060; .4061 (exempt).....	227
5221.4000; .4020, s. 1, 1a, 2; .4030 s. 2b; .4032; .4040 s. 2c; .4041; .4050 s. 2c; .4060 s. 2c; .4062 (exempt repealer).....	227

Division of Safety and Workers' Compensation

5221.6040; .6050; .6100; .6105; .6200; .6205; .6210; .6300; .6305 (adopted).....	138
5223.0300; .0310; .0330; .0370; .0370; .0380; .0390; .0400; .0410; .0420; .0435; .0436; .0440; .0450; .0460; .0480; .0500; .0510; .0520; .0540; .0550; .0560; .0640; .0650 (adopted).....	138

Natural Resources Department (DNR)

6212.1400; 6262.0100; .0500 (proposed).....	1086
6212.1500; .1700 (proposed repealer).....	1086
6230.0200; .0250; .0400; 6234.1200; .1300; .1400; .1700; .1900; .2000; .2600; .2700 (adopted expedited emergency).....	198
6230.0200; .0600; 6232.0200; .0300; .0400; .1300; .1600; .1800; .1950; .2900; .4300; .4500; .4600; .4700; 6234.2000; .2600; 6236.0300; 6240.0200; .0610; .0860; .1800; .2000; .2100 (expedited).....	1228
6230.0295; .0400; .0600; .0700; 6240.0610; .0650; .0950; .1150; .1850 (adopted expedited emergency).....	462
6230.0400; 6232.2100; .3200; .3500; 6234.0800; .2200; .2300; .2400; 6240.0250; .1200; .1700 (adopted).....	505
6230.0400; 6240.1200; .1700; .1850; .2000; .2100 (adopted expedited emergency).....	246
6232.0900; .1100; .2550; .2560 (adopted expedited emergency).....	99
6232.1250 s. 2; 6240.0700; .0850; .0900; .1000; .1100; .1500; .1600; .1700; .1750; .1900; .1950 (expedited repealed).....	1228
6232.2900; .3055 (adopted expedited emergency).....	1492
6232.3700; .3855 (adopted expedited emergency).....	1494
6232.4300 s. 1, 4; .4500; .4600, published in the <i>State Register</i> , volume 35, page 9, July 6, 2010 (expedited repealed).....	1228
6232.4300; .4500; .4600 (adopted expedited emergency).....	9
6232.4800 (expedited emergency).....	1226
6234.2100 s. 5, 6; .2500; .3000 s. 5 (proposed repealer).....	505
6236.0300; .0810; .1060 (adopted expedited emergency).....	803
6236.1060; .1075 (adopted expedited emergency).....	1364
6240.1100 (adopted expedited repealed).....	462
6240.0620 (adopted expedited emergency).....	139
6240.0620 (adopted expedited emergency).....	197
6262.0100; .0576; (adopted expedited emergency).....	541
6262.0100; .0600 (adopted).....	138
6262.0200; .0300; 6264.0125 (proposed expedited).....	741
6262.0200; .0300; 6264.0125 (adopted expedited).....	1396
6262.0575 (adopted expedited emergency).....	350
6264.0050 (adopted exempt).....	1018, 1052
6264.0125 (adopted expedited).....	275
6264.0125 (adopted expedited).....	351
6264.0300 s. 37, 39, 41, 63 (repealed exempt).....	1093
6264.0300; .0400 (adopted exempt).....	1093

Nursing Board

6301.0100; .2300; .2310; .2320; .2330; .2340; .2350; .2360; .2370; .2380; .2390; .2400; .2410 (proposed).....	974
6301.0100 s. 13, 14; .0200; .0300 s. 1; .0400; .0500; .0600; .0700; .0800; .0810; .0900; .1000; .1100; .1200; .1300; .1400; .1505; .1600; .1700 s. 1; .1800; .1900 s. 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12; .2000; .2100; .2200 (proposed repealer).....	974

Pharmacy Board

6800.0100; .0300; .0350; .0400; .0500; .0700; .0910; .0950; .1010; .1050; .1250; .1300; .1400; .1430; .1440; .1500; .2250; .2400; .2600; .3000; .3100; .3110; .3120; .3200; .3300; .3350; .3400; .3450; .3510; .3750; .3850; .3950; .4075; .4200; .4300; .5100; .5300; .5350; .5400; .5500; .6200; .6500; .6700; .7520; .7900; .8000; .8004; .8007; .8550; .9900; .9921 (proposed).....	1049
6800.0100 s. 2a; .1300 s. 6; .3110 s. 6; .5100 s. 1, 7, 8, 9, 10; .5300 s. 4; .6500 s. 3 (proposed repealer).....	1049
6800.4210 (proposed).....	693
6800.4210 (withdrawn).....	864

Minnesota Rules: Amendments and Additions

Pollution Control Agency (MPCA)

7005.0100; 7007.0100; .0150; .0200; .0400; .0500; .1105; .1107; .1110; .1125; .1130; .1141; .1146; .1300; .1450 (adopted exempt).....	1097
7080.1100; .1500; .1720; .1850; .1930; .1960; .1970; .2030; .2100; .2150; .2210; .2300; .2350; .2450; .2550; 7081.0020; .0120; .0240; .0270; 7082.0040; .0050; .0100; .0600; .0700; 7083.1000; .2040 (adopted).....	1353
7080.1100 s. 11, 48; .2260; 7081.0120 s. 2; .0240 s. 2, 7 (repealed).....	1353

Public Safety Department

7404.0100; .0400; .0450; .0500; 7406.0100; .0400; .0450; .0500 (proposed).....	1163
7410.2500 (adopted).....	661

Public Utilities Commission (PUC)

7829.2560 (proposed).....	624
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Minnesota Gambling Control Board

7861.0210; .0220; .0230; .0240; .0260; .0270; .0280; .0290; .0300; .0310; .0320; .0330; .0340; 7863.0210; .0220; .0230; .0260; 7864.0210; .0230; .0240; 7865.0210; .0220; .0225; .0230; .0250; .0260 (proposed).....	689
7861.0210 s.10, 23, 27; .0320 s. 10, 11, 12, 13; 7864.0230 s.3; 7865.0230 s.2; .0260 s. 3 (proposed repealer).....	689
7861.0210; .0220; .0230; .0240; .0270; .0300; .0310; .0320; 7865.0210; .0260 (adopted).....	1276
7861.0210 s. 10; and 23; and 27; 7861.0320 s. 10, 11, 12, 13; 7864.0230 s. 3; 7865.0230 s. 2; .0260 s. 3 (repealed).....	1276

Minnesota Racing Commission

7876.0100; .0110; .0120; 7877.0175; 7879.0200; 7883.0100; .0120; .0160; 7884.0190; 7890.0100; .0110; .0120; .0140; 7891.0110 (adopted).....	627
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Reveue Department

8052.0300 (adopted).....	1017
8130.5500 (adopted).....	890

Human Services Department

9505.0370; .0371; .0372 (proposed).....	571
9505.0175 s. 18, 20; .0323 (proposed repealer January 1, 2011).....	571
9505.0370-.0372 (effective January 1, 2011).....	571

Proposed Rules

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

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

Rules to be Adopted Without a Hearing. Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Minnesota Department of Employment and Economic Development (DEED)

Division of State Services for the Blind

Proposed Permanent Rules Relating to Rehabilitation; Visually Disabled

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, And Notice of Hearing If 25 or More Requests For Hearing Are Received

Proposed Amendment to Rules Governing Rehabilitation Services to the Blind and Visually Impaired, *Minnesota Rules*, 3325.0100 to 3325.0490. The following rule parts are being repealed: 3325.0160; 3325.0170; 3325.0280; 3325.0290; 3325.0300; 3325.0310; 3325.0320; 3325.0330; 3325.0340; 3325.0350; 3325.0360; 3325.0370; 3325.0380; 3325.0390; 3325.0400; 3325.0410; 3325.0480; and 3325.0490

Introduction. The Department of Employment and Economic Development intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on Wednesday, April 27, 2011, the Department will hold a public hearing in Conference Rooms A1-A2, Ramsey County Workforce Center, 540 Fairview Ave N, St. Paul, MN 55104-1707, starting at 9:00 am on Wednesday, May 11, 2011. To find out whether the Department will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after April 27, 2011 and before May 11, 2011.

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Chuk Hamilton at State Services for the Blind, 2200 University Ave. W. #240, St. Paul, MN 55114, **phone:** (651) 649-5452, **fax:** (651) 649-5927, and **e-mail:** chuk.hamilton@state.mn.us. **TTY** users may call the Department (651) 642-0506.

Subject of Rules and Statutory Authority. The proposed rules are about Rehabilitation Services to the Blind and Visually Impaired. The statutory authority to adopt the rules is *Minnesota Statutes*, section 248.07, subd. 14a. A copy of the proposed rules is published in the *State Register*. The proposed rules: conform rule parts to federal regulations governing the vocational rehabilitation and independent living program services and make other housekeeping amendments; restructure and combine the self-care and independent living rehabilitation programs; clarify and streamline rule parts related to the purchase, maintenance and ownership of technology aids and devices; and remove rule parts related to direct rehabilitation services to children. A free copy of the rules is available upon request from the agency contact person listed above.

Proposed Rules

Comments. You have until 4:30 p.m. on Wednesday, April 27, 2011, to submit written comment in support of or in opposition to the proposed rules or 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 comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. You must also make any comments about the legality of the proposed rules during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Department hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Wednesday, April 27, 2011. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the Department will hold a public hearing unless a sufficient number of persons 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/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The Department may modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Department follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Department encourages you to participate in the rulemaking process.

Cancellation of Hearing. The Department will cancel the hearing scheduled for May 11, 2011, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 649-5452 after April 27, 2011 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Department will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Department will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Kathleen D. Sheehy is assigned to conduct the hearing. Judge Sheehy can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7848, and **fax:** (651) 361-7936.

Hearing Procedure. If the Department holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. 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. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

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

Proposed Rules

Statement of Need and Reasonableness. The statement of need and reasonableness summarizes 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. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. It is available online at:

http://www.positivelyminnesota.com/About_Us/Notices_Announcements/Rulemaking_Activity/Rulemaking_Docket.aspx

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **telephone:** (651) 296-5148 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The Department will submit the rules and supporting documents 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 either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

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

Dated: 9 March 2011

Mark R. Phillips, Commissioner
Department of Employment and
Economic Development

3325.0100 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of ~~parts 3325.0100 to 3325.0490~~ this chapter is to establish procedures and standards for the provision of rehabilitation services to blind and visually ~~disabled~~ impaired persons present in Minnesota.

Subp. 2. **Scope.** ~~Parts 3325.0100 to 3325.0490 apply~~ This chapter applies to State Services for the Blind (SSB), all vendors of services under agreement with SSB, and all persons applying for or receiving rehabilitation service from SSB. ~~Parts 3325.0100 to 3325.0490 do~~ This chapter does not require expenditures for ~~a client~~ an eligible individual if funds are not available to SSB from federal and state appropriations for the provision of rehabilitation services under the program in which the ~~client~~ eligible individual is being served.

Subp. 3. **Exclusion.** All matters pertaining to the operation of the Business Enterprises Program under ~~the~~ Code of Federal Regulations, title 34, part 395, are governed by parts 3321.0100 to 3321.1400 and are not affected by ~~parts 3325.0100 to 3325.0490~~ this chapter.

Subp. 4. [See repealer.]

3325.0110 DEFINITIONS.

Subpart 1. **Scope.** The terms used in ~~parts 3325.0100 to 3325.0490~~ this chapter have the meanings given to them in this part.

Subp. 1a. **Activities of daily living.** "Activities of daily living" means the basic tasks necessary to maintain one's functional independence in the following areas:

A. personal management;

B. communicating; and

C. traveling.

Subp. 2. **Adjustment to blindness services.** "Adjustment to blindness services" means vocational rehabilitation counseling, rehabili-

Proposed Rules

tation teaching services, and orientation and mobility services as defined in subparts ~~51, 62, and 67~~ 50, 66, and 86a.

Subp. 3. **Advocacy services.** “Advocacy services” means nonfinancial assistance in identifying and obtaining rehabilitation services ~~that a client may be entitled to~~ for an eligible individual from sources other than SSB.

Subp. 4. **Alternative techniques.** “Alternative techniques” means methods ~~which~~ that enable persons to perform homemaking and ~~self-care~~ activities of daily living independently without sight or with limited sight. These methods include cane travel and braille reading and writing.

Subp. 5. **Appellant.** “Appellant” means an applicant or ~~client~~ eligible individual who has ~~filed an appeal~~ made a written request for review and mediation under part ~~3325.0480, subpart 1~~ 3325.0478. Appellant includes, as appropriate, an appellant’s designated representative.

Subp. 6. **Applicant.** “Applicant” means a person who submits a written request, consistent with Code of Federal Regulations, title 34, section 361.41(b)(2), to SSB for vocational rehabilitation services or a person on whose behalf the person’s legal representative submits such a request, has provided SSB information necessary to initiate an assessment to determine eligibility and priority for services, and is available to complete the assessment process.

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

Subp. 8. [See repealer.]

Subp. 9. [See repealer.]

Subp. 10. **Client Assistance Program or CAP.** “Client Assistance Program” or “CAP” means the federal and state sponsored program through which persons ~~with disabilities in the vocational rehabilitation program~~ are provided with advocates to represent and assist them on matters related to rehabilitation. CAP is governed by Code of Federal Regulations, title 34, section 370.

Subp. 11. **Communication center services.** “Communication center services” means services provided through SSB’s communication center. Through its communication center, SSB:

A. custom transcribes books and other materials onto cassette tape, digital media, or into braille;

B. researches the availability of textbooks on cassette tape, digital media, or in braille at sources other than SSB;

C. ~~lends~~ provides books ~~which that~~ have been previously custom transcribed onto cassette tape, digital media, or into braille ~~and which are kept in the communication center library;~~

D. broadcasts closed circuit radio readings of recent newspapers, books, and magazines and lends the closed circuit radio receivers needed to receive the broadcasts;

E. lends cassette playback machines and phonographs needed to use cassette tapes or ~~disc~~ digital recordings obtained from SSB’s communication center or the Library of Congress; and

F. repairs the cassette playback machines, phonographs, and radio receivers it lends.

Subp. 12. **Communication skills training.** “Communication skills training” means instruction aimed at improving a blind ~~or,~~ visually disabled ~~impaired, or deafblind~~ person’s ability to communicate with others. This training ~~consists of~~ includes instruction in one or more of the following: braille; cursive writing; typing; sign language and other forms of manual communication; and the use of ~~telecommunications, sensory, and other technological aids and devices~~ rehabilitation technology which aid communication.

Subp. 12a. **Community rehabilitation program.** “Community rehabilitation program” means a facility as defined in Code of Federal Regulations, title 34, section 361.5(b)(9), which is operated for the primary purpose of providing rehabilitation services to blind persons or other persons with disabilities. Except where specifically excluded, an individual providing services to an applicant or eligible individual under an agreement with SSB is considered a community rehabilitation program for the purposes of part 3325.0470.

Proposed Rules

Subp. 12b. **Comparable services and benefits.** “Comparable services and benefits,” as applicable to the vocational rehabilitation program and defined by *Code of Federal Regulations*, title 34, section 361.5(b)(10), means services and benefits that are:

A. provided or paid for, in whole or in part, by other federal, state, or local public agencies, by health insurance, or by employee benefits;

B. available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual’s employment plan; and

C. commensurate to the services that the individual would otherwise receive from SSB.

For purposes of this definition, comparable benefits do not include awards and scholarships based on merit.

Subp. 12c. **Competitive employment.** “Competitive employment,” consistent with *Code of Federal Regulations*, title 34, section 361.5(b)(11), means work:

A. in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and

B. 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 work performed by individuals who are not disabled.

Subp. 13. **Deafblind.** “Deafblind” refers to visually ~~disabled~~ impaired or blind ~~clients~~ applicants or eligible individuals who have physiological, chronic hearing losses which prevent them from hearing and understanding most speech with optimum amplification.

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

Subp. 15. **Designated representative.** “Designated representative” means a person designated by an applicant or ~~client~~ eligible individual to represent the applicant or ~~client~~ eligible individual in any matter pertaining to a request for or receipt of rehabilitation services.

Subp. 16. **Diagnostic evaluation assessment services.** “Diagnostic ~~evaluation~~ assessment services” means medical examinations, optometric examinations, audiological evaluations, and other rehabilitation services provided to help an applicant or ~~client~~ eligible individual and a vocational rehabilitation counselor assess the applicant’s or ~~client’s~~ eligible individual’s skills, abilities, and aptitudes in order to determine eligibility, establish a ~~rehabilitation goal~~ an employment outcome, and identify the specific rehabilitation services the ~~client~~ eligible individual will need to achieve the ~~client’s rehabilitation goal~~ eligible individual’s employment outcome.

Subp. 16a. **Direct service staff.** “Direct service staff” means SSB employees in the independent living and vocational rehabilitation units of SSB designated by the director to interact with and assist applicants and eligible individuals in the rehabilitation process.

[For text of subp 17, see M.R.]

Subp. 18. [See repealer.]

Subp. 18a. **Eligible individual.** “Eligible individual” means a person who has been determined eligible for rehabilitation services from SSB under the vocational rehabilitation program or independent living program.

Subp. 19. [See repealer.]

Subp. 19a. **Employment outcome.** “Employment outcome” means, with respect to an individual, entering or retaining full-time or, if appropriate, part-time competitive employment, as defined in *Code of Federal Regulations*, title 34, section 361.5(b)(16), in the integrated labor market, supported employment, telecommuting, or business ownership, that is consistent with an individual’s strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Subp. 20. **Extended evaluation.** “Extended evaluation” means the diagnostic process through which an applicant is provided rehabilitation services to help a rehabilitation counselor determine whether the applicant is eligible for rehabilitation services under the vocational rehabilitation program. This process is used when SSB cannot determine from the preliminary evaluation whether the provision of rehabilitation services is likely to enable an applicant to obtain or retain suitable gainful employment means the process used in limited circumstances according to *Code of Federal Regulations*, title 34, section 361.42(f), to determine the individual’s ability to benefit from vocational rehabilitation services

Proposed Rules

Subp. 21. **Family or family member.** “Family” or “Family member” means ~~persons related by blood, adoption, or marriage or unrelated persons who live in the same household and have a close personal relationship.~~ for purposes of receiving vocational rehabilitation services in accordance with *Code of Federal Regulations*, title 34, sections 361.5(b)(23) and 361.48(i), an individual:

A. who either:

(1) is a relative or guardian of an applicant or eligible individual; or

(2) lives in the same household as an applicant or eligible individual;

B. who has a substantial interest in the well-being of that individual; and

C. whose receipt of vocational rehabilitation services is necessary to enable the applicant or eligible individual to achieve an employment outcome.

For purposes of the independent living program, family member means an individual who meets the requirements of items A and B and whose receipt of independent living services is necessary to enable the eligible individual to achieve independent living goals.

Subp. 22. **Family income.** “Family income” means the income of ~~a client~~ an eligible individual and the following persons:

A. ~~the client’s~~ eligible individual’s spouse; and

B. ~~the client’s~~ eligible individual’s parent or parents if:

(1) the ~~client~~ eligible individual is under 18 years of age and living with the ~~client’s~~ eligible individual’s parents; or

(2) the ~~client~~ eligible individual was claimed by a parent or parents as a dependent for federal income tax purposes in the most recent calendar year; or

(3) an application for grants at a postsecondary educational institution or an accredited institution of higher learning has determined that the eligible individual is a dependent student for purposes of determining financial aid for postsecondary training.

Subp. 23. [See repealer.]

Subp. 24. [See repealer.]

Subp. 25. [See repealer.]

Subp. 26. **Income.** “Income” means cash payments or benefits, other than gifts or loans, received by or actually available to ~~a client~~ an eligible individual from public or private sources. These payments or benefits include:

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

[For text of subp 27, see M.R.]

Subp. 27a. **Independent living counseling.** “Independent living counseling” means the process by which SSB direct service staff in the independent living program help an eligible individual:

A. understand the individual’s abilities and potential;

B. realize that blindness and visual impairment are a natural part of the human experience, and that most of the physical limitations associated with blindness and visual impairment can be overcome by learning alternative techniques;

C. identify and establish feasible independent living goals; and

D. complete a program of services leading to the achievement of the individual’s independent living goals.

Subp. 28. **Independent Living Program.** “Independent Living Program” means the state and federally funded SSB program ~~under which clients with severe disabilities receive rehabilitation services in accordance with individualized written rehabilitation plans in order to improve their ability to function independently in which individuals whose severe visual impairment makes competitive employment extremely difficult to obtain, but for whom independent living goals are feasible, receive services.~~

Proposed Rules

Subp. 29. **Individualized ~~written rehabilitation plan for employment or written plan IPE.~~** “Individualized ~~written rehabilitation plan for employment~~” or “~~written plan IPE~~” means ~~a written document required for each client identifying, at a minimum, a client’s rehabilitation objectives and the services necessary to achieve the objectives; the individualized written document required for each eligible individual designed to achieve the specific employment outcome that is selected by the individual consistent with the individual’s unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, and to the maximum extent appropriate, results in employment in an integrated setting, as defined in Code of Federal Regulations, title 34, sections 361.45 and 361.46.~~

Subp. 29a. **Informed choice.** “Informed choice” means ~~a process by which individuals or, as appropriate, their designated representatives make decisions when applying for or receiving vocational rehabilitation services. The process consists of:~~

~~A. the identification of available options;~~

~~B. the identification of both favorable and unfavorable consequences of pursuing each option;~~

~~C. selecting an option after weighing and deliberating each one and its consequences; and~~

~~D. commitment and action to pursue the selected option. SSB must assist applicants and eligible individuals or, as appropriate, their designated representatives by providing information and support services throughout the process consistent with Code of Federal Regulations, title 34, section 361.52.~~

Subp. 30. **Initial stocks and supplies.** “Initial stocks and supplies” are defined as follows:

A. “Initial stocks” means the inventory of goods for direct resale to consumers by ~~a client~~ an eligible individual entering into a self-employment enterprise.

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

[For text of subp 31, see M.R.]

Subp. 32. [See repealer.]

Subp. 33. **Interpreter services.** “Interpreter services” means:

~~A. manual or tactile interpreting of oral or written communication to deafblind clients~~ applicants and eligible individuals by an interpreter; ~~or~~

~~B. foreign language interpreter.~~

Subp. 34. [See repealer.]

~~Subp. 34a. **Job-related services.** “Job-related services” includes job search and placement assistance, job retention services, follow-up services, and follow-along services consistent with Code of Federal Regulations, title 34, section 361.48(l).~~

[For text of subps 35 and 36, see M.R.]

Subp. 37. **Low vision aids.** “Low vision aids” means optical and nonoptical instruments and techniques ~~which that~~ help blind persons and persons with visual ~~disabilities~~ impairments improve the use of their residual vision.

A. “Optical low vision aids” means lenses or lens systems ~~which that~~ enlarge or clarify the retinal image of an object so that it can be better perceived without enlarging the object itself. These aids include, but are not limited to, monocular and binocular hand-held magnifiers, head and stand supported magnifiers of both simple and telescopic types, color filter lenses, and electro-optical devices such as closed circuit televisions.

B. “Nonoptical low vision aids” means techniques and instruments other than lenses ~~which that~~ enlarge or clarify the retinal image of an object so that it can be better perceived. These aids include, but are not limited to, wide lined paper, high intensity lamps, large print, colored paper, wide tipped pens, and large print telephone dials.

[For text of subp 38, see M.R.]

Subp. 39. **Low vision services.** “Low vision services” means services ~~which that~~ help ~~clients~~ an eligible individual use or improve the use of ~~their~~ residual vision in performing specific tasks involved in achieving and maintaining ~~their~~ rehabilitation goals. These services consist of low vision aids and the functional assessments, ophthalmologic or optometric examinations and training necessary for the

Proposed Rules

provision and effective use of low vision aids.

Subp. 40. **Low vision specialist.** “Low vision specialist” means:

A. ~~a rehabilitation counselor or an SSB direct service staff person~~ who has completed at least 80 hours of training in a low vision training program approved by the director ~~in consultation with the optometric or ophthalmologic consultant~~; or

B. a person with experience in low vision rehabilitation who has completed at least 80 hours of training in a low vision training program approved by the director ~~in consultation with the optometric or ophthalmologic consultant~~. The 80 hours of training referred to in this item and in item A must include instruction in:

[For text of subitems (1) and (2), see M.R.]

Subp. 41. **Maintenance.** “Maintenance” means ~~the financial assistance provided to a client or applicant to help pay basic subsistence costs such as food, shelter, and clothing that result from the provision of other rehabilitation services to the client or applicant~~ the minimum monetary support provided to an individual for expenses such as food, shelter, and clothing that are in excess of the normal expenses of the individual and that are necessitated by the individual’s assessment for or participation in a rehabilitation program.

Subp. 42. [See repealer.]

Subp. 43. [See repealer.]

Subp. 44. **Note taking services.** “Note taking services” means the recording ~~in braille or writing~~ of oral or written communication for later use by ~~clients~~ applicants or eligible individuals.

Subp. 45. **Occupational equipment.** “Occupational equipment” means occupational fixtures, vehicles, and machinery normally required ~~by nonhandicapped persons to operate a business or maintain employment for entry into employment or for efficient job performance.~~

[For text of subp 46, see M.R.]

Subp. 47. **Occupational tools.** “Occupational tools” means instruments normally required ~~by nonhandicapped persons~~ for entry into employment or for efficient job performance.

Subp. 48. [See repealer.]

[For text of subp 49, see M.R.]

Subp. 50. **Orientation and mobility services.** “Orientation and mobility services” means ~~instruction and nonmechanical aids such as canes~~ the provision of aids and devices and instruction in their use, which enable a client an eligible individual to travel safely and independently without sight or with impaired sight. These services include the provision of white canes and instruction in cane travel.

[For text of subp 51, see M.R.]

Subp. 52. [See repealer.]

[For text of subp 53, see M.R.]

Subp. 53a. **Personal assistance services.** “Personal assistance services,” consistent with *Code of Federal Regulations*, title 34, section 361.5(b)(39), means a range of services provided by one or more persons designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform without assistance if the individual did not have a disability. The services must be designed to increase the individual’s control in life and ability to perform everyday activities on or off the job. The services must be necessary to the achievement of an employment outcome and may be provided only while the individual is receiving other vocational rehabilitation services. The services may include training in managing, supervising, and directing personal assistance services.

Subp. 53b. **Physical and mental restoration services.** “Physical and mental restoration services” means the medical or medically related services provided to correct or substantially modify, within a reasonable time, a physical or mental condition which is stable or slowly progressive. These services consist of the services listed under the definition of physical and mental restoration services in *Code of Federal Regulations*, title 34, section 361.5(b)(40).

Proposed Rules

[For text of subp 54, see M.R.]

Subp. 55. **Post employment services.** “Post employment services” ~~refers to rehabilitation services provided to help a client maintain employment after the client has been determined to be rehabilitated under part 3325.0190, subpart 2 means, as defined in *Code of Federal Regulations*, title 34, section 361.5(b)(42), one or more vocational rehabilitation services that are provided subsequent to the achievement of an employment outcome and that are necessary for an individual to maintain, regain, or advance in employment, consistent with the individual’s strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. These services are available to meet rehabilitation needs that do not require a complex and comprehensive provision of services and, thus, are limited in scope and duration. If more comprehensive services are required, then a new rehabilitation effort must be considered.~~

Subp. 56. [See repealer.]

Subp. 57. [See repealer.]

Subp. 58. **Reader services.** “Reader services” means the oral reading of written material for ~~a client~~ an applicant or eligible individual.

Subp. 59. **Referral.** “Referral” means: a person who has contacted or been placed in contact with SSB to inquire into the possibility of obtaining services but who has not applied for rehabilitation services under part 3325.0120, subpart 2.

A: ~~a person who has contacted or been placed in contact with SSB to inquire into the possibility of obtaining services but who has not applied for rehabilitation services under part 3325.0120, subpart 2; or~~

B: ~~the act of directing a blind person or a person with a visual disability to SSB for assistance.~~

Subp. 60. **Referral services.** “Referral services” means counseling or research on behalf of a referral, applicant, or ~~client~~ eligible individual for the purpose of directing the ~~referral, applicant, or client~~ individual to other agencies and organizations ~~which that~~ provide financial assistance, rehabilitation services, or other services needed by the referral, applicant, or client.

Subp. 61. [See repealer.]

Subp. 62. [See repealer.]

Subp. 63. [See repealer.]

Subp. 64. [See repealer.]

Subp. 65. **Rehabilitation services.** “Rehabilitation services” means the services provided to ~~clients~~ an eligible individual by SSB ~~in accordance with written plans in order to improve their employability, ability to perform self-care activities, or capacity for growth and development to achieve employment outcomes or independent living goals.~~

Subp. 66. **Rehabilitation teaching services.** “Rehabilitation teaching services” means instruction in ~~and nonmechanical aids needed to use~~ the use of alternative techniques other than outdoor cane travel, ~~and aids and devices.~~

[For text of subp 67, see M.R.]

Subp. 67a. **Rehabilitation technology.** “Rehabilitation technology,” consistent with *Code of Federal Regulations*, title 34, sections 361.5(b)(45) and 361.48(q), means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. Rehabilitation technology includes rehabilitation engineering, assistive technology and sensory aids and devices, telecommunications, and assistive technology services.

Subp. 68. [See repealer.]

Subp. 69. [See repealer.]

Proposed Rules

Subp. 70. [See repealer.]

Subp. 71. [See repealer.]

Subp. 72. **Services to family members.** “Services to family members,” ~~refers to~~ consistent with *Code of Federal Regulations*, title 34, sections 361.5(b)(23) and 361.48(i), means one or more of the following services provided to members of a client’s family in order to help the client achieve a rehabilitation goal: rehabilitation services provided by SSB programs to members of an eligible individual’s family in order to help the individual achieve an employment outcome or independent living goal.

A: ~~one or more of the other rehabilitation services provided by SSB;~~

B: ~~assistance in adapting to new or altered methods of home management helpful to the client’s rehabilitation;~~

C: ~~group counseling to help family members understand the potential and needs of blind persons and persons with visual disabilities;~~

D: ~~daycare or foster family care for the children or dependent relatives of a client if necessary to enable the client to implement a written plan; and~~

E: ~~assistance in locating living quarters which meet the rehabilitation needs of the client.~~

Subp. 73. [See repealer.]

Subp. 74. [See repealer.]

Subp. 75. [See repealer.]

Subp. 75a. **Severe visual impairment.** “Severe visual impairment” means a visual impairment for an individual that makes competitive employment extremely difficult to obtain, but for whom independent living goals are feasible.

Subp. 76. **Similar benefits.** “Similar benefits” means services or financial assistance available to ~~clients~~ eligible individuals served in the independent living program from one or more sources other than SSB or ~~a client~~ an eligible individual to meet, in whole or part, the cost of rehabilitation services to be provided under ~~a client’s written~~ an eligible individual’s plan. Similar benefits include benefits available to ~~clients~~ eligible individuals from Medicare, Medicaid, the Veteran’s Administration, individual and group insurance, community social service agencies, state agencies other than SSB, and public and private educational grants.

Subp. 77. **State Services for the Blind or SSB.** “State Services for the Blind” or “SSB” means the organizational unit of the Department of Employment and Economic Development responsible for providing and coordinating the provision of rehabilitation services to blind persons and persons with ~~disabilities~~ impairments. For purposes of the vocational rehabilitation and independent living programs, “State Services for the Blind” or “SSB” is the state unit as defined in the *Code of Federal Regulations*, title 34, sections ~~361.1(e)(2)(1)~~ 361.5(b)(14) and ~~361.6(b)~~ 361.13(b).

Subp. 78. **Substantial handicap impediment to employment.** “Substantial ~~handicap~~ impediment to employment,” consistent with *Code of Federal Regulations*, title 34, section 361.5(b)(52), means that a ~~disability~~ physical or mental impairment (in light of attendant medical, psychological, vocational, educational, communication, and other related factors) ~~prevents a person from obtaining, retaining, or preparing for gainful employment consistent with the person’s capacities and abilities~~ hinders an individual from preparing for, entering into, engaging in, or retaining employment consistent with the individual’s abilities and capabilities.

Subp. 79. [See repealer.]

Subp. 80. **Supervisory staff.** “Supervisory staff” means persons, other than the director employed by SSB, classified as supervisors or managers by the Minnesota Department of Management and Budget ~~in the labor agreement between the state of Minnesota and the Middle Management Association for 1985 through June 30, 1987, or in the DOER Managerial Plan for 1985 through June 30, 1987.~~ These publications are incorporated by reference and are not subject to frequent change. These publications are available for inspection at the Minnesota State Law Library.

Proposed Rules

Subp. 80a. **Supported employment.** “Supported employment,” consistent with *Code of Federal Regulations*, title 34, section 361.5(b)(53), means:

A. competitive employment in an integrated setting, or employment in an integrated work setting in which an individual is working toward competitive employment, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual with ongoing support services for an individual with the most significant disabilities:

(1) for whom competitive employment has not traditionally occurred or for whom competitive employment has been interrupted or intermittent as a result of a significant disability; and

(2) who, because of the nature and severity of their disabilities, need intensive supported employment services from SSB and extended services after transition as described in *Code of Federal Regulations*, title 34, section 361.5(b)(20), to perform this work; or

B. transitional employment, as defined in *Code of Federal Regulations*, title 34, section 361.5(b)(56), for eligible individuals with the most significant disabilities due to mental illness.

Subp. 80b. **Supported employment services.** “Supported employment services,” consistent with *Code of Federal Regulations*, title 34, section 361.5(b)(54), means ongoing supportive services and other appropriate services needed to support and maintain an individual with the most significant disability in supported employment that are provided by SSB:

A. for a period of time not to exceed 18 months, unless under special circumstance the eligible individual and the vocational rehabilitation counselor jointly agree to extend the time to achieve the employment outcome identified in the employment plan; and

B. following transition, as postemployment services that are unavailable from an extended services provider and that are necessary to maintain or regain the job placement or advance in employment.

Subp. 81. **Supportive services.** “Supportive services” means rehabilitation services ~~which~~ that facilitate the determination of eligibility for rehabilitation services or the provision of other rehabilitation services but which do not, in themselves, provide a person with skills or capabilities that will enable the person to function more independently without continuation of the services for an unlimited period of time. These services include maintenance, transportation services, reader services, note taking services, and interpreter services. The services must be necessary to determine eligibility for rehabilitation services or to the achievement of an employment outcome or independent living goal and may be provided only while the individual is receiving other nonsupportive vocational or independent living rehabilitation services.

Subp. 81a. **Technical assistance and other consultation services.** “Technical assistance and other consultation services,” consistent with *Code of Federal Regulations*, title 34, section 361.48(s), means conducting market analyses, developing business plans, and otherwise providing resources, to the extent those resources are authorized to be provided through the statewide workforce investment system, to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome.

Subp. 82. [See repealer.]

Subp. 82a. **Transition services.** “Transition services,” consistent with *Code of Federal Regulations*, title 34, section 361.5(b)(55), means a coordinated set of activities for a student designed within an outcome-oriented process that promotes movement from school to postschool activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based upon the individual student’s needs, taking into account the student’s preferences and interests, and must include instruction, community experiences, the development of employment and other postschool adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services must promote or facilitate the achievement of the employment outcome identified in the student’s employment plan.

Subp. 83. **Transportation services.** “Transportation services” means assistance to a client in obtaining transportation necessary to implement the client’s written plan services defined by *Code of Federal Regulations*, title 34, section 361.5(b)(57), including travel and related expenses that are necessary to determine eligibility for or to enable an individual to participate in a vocational rehabilitation or an independent living program, including expenses for training in the use of public transportation vehicles and systems.

Subp. 84. **Visual disability impairment.** “Visual ~~disability~~ impairment” means:

Proposed Rules

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

C. a physical condition or progressive loss of visual ability ~~which that~~ will more likely than not result in legal blindness.

Subp. 85. [See repealer.]

Subp. 86. [See repealer.]

Subp. 86a. **Vocational rehabilitation counseling.** “Vocational rehabilitation counseling” means the process by which a vocational rehabilitation counselor helps an eligible individual:

A. understand the individual’s abilities and potential;

B. realize that blindness, visual impairment, and other impairments including combined vision and hearing loss are natural parts of the human experience, and that most of the physical limitations associated with blindness, visual impairment, and other impairments including combined vision and hearing loss can be overcome by learning and using alternative techniques;

C. identify and establish an employment outcome, and the nature and scope of services to reach the employment outcome, consistent with the requirements in the Rehabilitation Act of 1973, as amended, under *United States Code*, title 29, section 701, et seq.;

D. complete a program of services leading to the achievement of the employment outcome established in the eligible individual’s individualized plan for employment; and

E. obtain competitive employment consistent with the employment outcome established in the eligible individual’s individualized plan for employment.

Subp. 86b. **Vocational rehabilitation counselor.** “Vocational rehabilitation counselor” means a person classified by the Department of Management and Budget as a rehabilitation counselor and employed by SSB in the vocational rehabilitation program. An individual who meets the qualifications established by the Department of Management and Budget for being a vocational rehabilitation counselor, but is not employed by SSB, shall be considered a vocational rehabilitation counselor for the purposes of part 3325.0165, subpart 2, item A, subitem (2), unit (b).

Subp. 87. **Vocational rehabilitation program.** “Vocational rehabilitation program” means the state and federally funded SSB program under which ~~clients receive rehabilitation~~ an eligible individual receives services leading to an employment outcome in accordance with individualized written plans for the purpose of preparing the clients for gainful employment *Code of Federal Regulations*, title 34, part 361.

Subp. 88. **Vocational training services.** “Vocational training services” means instruction and supplies provided to a vocational rehabilitation ~~client~~ eligible individual to help the ~~client~~ eligible individual acquire the knowledge, skills, attitudes, and educational qualifications necessary to ~~obtain and retain gainful~~ achieve an employment consistent with the client’s capacities and abilities ~~outcome~~. ~~These Vocational training services consist of:~~

A. tuition and materials ~~normally~~ required for training in an educational program at an institution of higher learning; and

B. fees and materials ~~normally~~ required for vocational skills training in settings other than institutions of higher learning ~~such as competitive employment settings and workshops~~.

Subp. 89. [See repealer.]

Subp. 90. [See repealer.]

3325.0120 ~~APPLICATION PROCEDURE FOR ACCESSING VOCATIONAL REHABILITATION PROGRAM SERVICES.~~

Subpart 1. **Referral.** Referral may be from another agency or person or a self-referral and may be oral or written. The referral must provide: the person’s name and a method of contact.

A. the referred person’s name, address, and phone number;

~~B. the nature of the referred person's disability if known; and~~

~~C. the date and source of the referral.~~

Subp. 2. **Written application.** A written application must be submitted by each person requesting vocational rehabilitation services. The application may be ~~by letter or~~ on an application form supplied by SSB, by letter, or by other written means such as a common intake form in a workforce center requesting vocational rehabilitation services. The application must be signed and dated by the applicant or applicant's designated representative and must contain:

~~A. the information required under subpart 1;~~

~~B. the dates of the applicant's most recent general physical and ophthalmologic or optometric examinations; and~~

~~C. the date of application.~~

Subp. 3. **Legal representative.** All signature requirements placed on ~~applicants and clients~~ an applicant or eligible individual by ~~parts 3325.0100 to 3325.0490~~ this chapter may be satisfied by the signature of an applicant's or client's eligible individual's legal representative. All written notices which must be provided to ~~applicants or clients~~ an applicant or eligible individual under ~~parts 3325.0100 to 3325.0490~~ this chapter must be provided to the applicant's or client's eligible individual's legal representative unless providing the information would violate provisions of the Minnesota Data Practices Act.

Subp. 4. **Designated representative.** An applicant or client eligible individual or legal representative of the same may designate one person to represent the applicant or client eligible individual in any matter pertaining to the applicant's or client's eligible individual's request for or receipt of rehabilitation services. The applicant or the client eligible individual shall designate a representative in writing and shall not designate more than one representative at any given time. SSB shall provide an applicant's or client's eligible individual's designated representative with a copy of a written notice only if specifically authorized to do so in writing by the applicant or client eligible individual.

Subp. 5. **Initial interview.** A vocational rehabilitation counselor shall personally interview each person referred to or who applied to SSB for vocational rehabilitation services within 30 days ~~after the referral is received~~ unless exceptional and unforeseen circumstances beyond SSB's control make it impossible to ~~interview the referral within 30 days~~ do so or unless otherwise agreed upon by the referral individual and the vocational rehabilitation counselor. As part of the interview, the vocational rehabilitation counselor shall begin to:

A. explain that the purpose of the vocational rehabilitation program is that the individual achieves an employment outcome consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice, and, to the maximum extent appropriate, that it results in employment in an integrated setting;

B. explain the vocational rehabilitation process, including an explanation of the differences between the rehabilitation programs offered by SSB roles and responsibilities;

C. explain other services offered by SSB;

~~B. D.~~ request the applicant to provide the information that the counselor knows, at the time of the interview, is needed to determine eligibility; and

~~C. E.~~ inform the referral or applicant of the:

(1) right of confidentiality under subpart 8 protection, use, and release of personal information in accordance with Code of Federal Regulations, title 34, section 361.38, and Minnesota Statutes, section 13.791;

(2) right of appeal under parts 3325.0480 and 3325.0490 part 3325.0478; and

(3) right to and means of obtaining assistance under the services available and information on how to contact the client assistance program; and

(4) identity of and means to contact organized support and advocacy groups of the blind and deafblind in Minnesota.

Proposed Rules

As part of the interview, SSB shall provide each referral individual with a written summary of the information referred to referenced in items A to C and E.

Subp. 6. **Selection of program.** ~~SSB shall assess an applicant's eligibility for the vocational rehabilitation program unless the applicant expressly and unequivocally states that the applicant does not want to pursue a vocational goal direct service staff shall assume that all referrals to SSB are for the purpose of vocational rehabilitation unless the referral expressly and unequivocally states the referral does not want to pursue an employment outcome.~~ In that case, SSB shall assess provide the applicant's eligibility for the independent living, self-care, or child rehabilitation program, whichever the applicant and rehabilitation counselor select individual with information about other SSB programs.

Subp. 7. **Residency.** No applicant who is present in ~~the state of~~ Minnesota may be denied rehabilitation services on the basis of residency.

Subp. 8. **Access to contents of case record of services.** Access to the contents of an applicant's or ~~client's case~~ eligible individual's record of services or to any other information maintained by SSB ~~which that~~ pertains to an applicant or client eligible individual must be administered by SSB in accordance with the Minnesota Data Practices Act, *Minnesota Statutes*, chapter 13, and all other applicable laws and regulations.

Subp. 9. **Written communication.** All written communication with an individual must be supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual.

3325.0130 CONDITIONS OF ELIGIBILITY.

An applicant is eligible for rehabilitation services under the vocational rehabilitation program only if: a vocational rehabilitation counselor determines that the conditions of either item A or B are met.

A. The applicant has a visual ~~disability that constitutes or results in a substantial handicap to employment; and~~ impairment and meets the following conditions:

(1) the visual impairment constitutes or results in a substantial impediment to employment for the applicant; and

(2) a vocational rehabilitation counselor determines that the applicant requires vocational rehabilitation services to prepare for, secure, retain, or regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. If the applicant meets both requirements, SSB shall presume the applicant can benefit from the provision of vocational rehabilitation services in terms of employment, unless clear and convincing evidence demonstrates the individual is incapable of benefiting in terms of an employment outcome. Prior to any determination that an applicant is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome because of the severity of the applicant's impairment, SSB must conduct a trial work experience pursuant to part 3325.0145, or if the applicant cannot take advantage of a trial work experience, an extended evaluation pursuant to part 3325.0150.

B. ~~there is a reasonable expectation that providing the applicant with rehabilitation services available under part 3325.0180 is likely to enable the applicant to obtain or retain suitable gainful employment. The applicant has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act based upon a visual impairment, in which case the applicant is presumed eligible consistent with Code of Federal Regulations, title 34, section 361.42(a)(3). The determination of eligibility must be made within 60 days of receipt of an application unless documentation supports:~~

(1) exceptional and unforeseen circumstances beyond the control of SSB precludes making an eligibility determination within 60 days and SSB and the individual agree to a specific extension of time;

(2) a trial work experience is required pursuant to part 3325.0145 regarding the presumption that the applicant can benefit from the provision of vocational rehabilitation services; or

(3) an extended evaluation is required pursuant to part 3325.0150 regarding the presumption that the applicant can benefit from the provision of vocational rehabilitation services.

3325.0135 PRIORITY FOR SERVICES UNDER AN ORDER OF SELECTION.

An eligible individual must be assigned a priority of service status if SSB is under an order of selection according to Code of Federal Regulations, title 34, sections 361.36 and 361.42(g). SSB's order of selection policy shall be identified in the Minnesota state plan for

Proposed Rules

vocational rehabilitation services according to *Code of Federal Regulations*, title 34, section 361.36(a)(1). The Minnesota state plan for vocational rehabilitation services is incorporated by reference, is not subject to frequent change, and is available at SSB's offices. The eligible individual assigned to a priority of services status must be provided a description of services available from and information on how to contact the client assistance program.

3325.0140 PRELIMINARY EVALUATION INFORMATION REQUIRED TO DETERMINE ELIGIBILITY AND PRIORITY FOR SERVICES.

Subpart 1. **Purpose of evaluation.** SSB shall conduct a preliminary evaluation an assessment to determine whether an applicant is eligible for ~~rehabilitation~~ services under the vocational rehabilitation program and the applicant's priority for services.

Subp. 2. **Scope of evaluation.** Each eligibility and priority for services determination must be based on the information specified in items A; ~~and B; and C.~~

A. A written report ~~which that~~ documents the results of a medical eye or optometric examination of the applicant and ~~which~~ is signed by a physician or optometrist. The report contains sufficient information for eligibility purposes if ~~in conjunction with the report required under item B;~~ it enables the applicant's vocational rehabilitation counselor ~~or the ophthalmologic consultant~~ who reviews the report to determine whether the applicant is ~~blind or~~ has a visual disability impairment as of the date of application.

~~B. A written report which documents the results of a general medical examination of the applicant and which is signed by a physician. The report contains sufficient information for eligibility purposes if it enables the applicant's rehabilitation counselor or the medical consultant who reviews the report to determine whether the applicant has any nonvisual disabilities as of the date of application which could limit the applicant's ability to make improvements in employability.~~

~~C. B. To the extent necessary,~~ information regarding the applicant's employment history ~~and,~~ educational background, and medical and other information needed to determine whether:

(1) the applicant's visual ~~disability~~ impairment constitutes or results in a substantial ~~handicap~~ impediment to employment; and

(2) there is a reasonable expectation that providing the applicant with rehabilitation services available under part 3325.0180 is likely to enable the applicant to obtain or retain suitable gainful employment ~~the applicant requires vocational rehabilitation services under part 3325.0180 to prepare for, secure, retain, or regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.~~

If the information provided under this subpart indicates that the applicant has or may have a mental disorder, the applicant must be examined by a psychiatrist or psychologist.

Subp. 3. **Notice of eligibility.** After a vocational rehabilitation counselor has determined that an applicant is eligible for rehabilitation services, the vocational rehabilitation counselor shall inform the applicant in writing of the eligibility determination. The notice must be mailed ~~or personally delivered~~ by SSB within ten working days after ~~certification of eligibility under the Code of Federal Regulations, title 34, section 361.35(a)~~ determination and shall inform the applicant that individuals who receive services must intend to achieve an employment outcome.

Subp. 3a. **Procedures for ineligibility determination.** If SSB determines that an applicant is ineligible for vocational rehabilitation services, SSB must:

A. make the determination only after providing an opportunity for full consultation with the applicant, or as appropriate, the applicant's representative;

B. inform the applicant in writing within ten working days after determination, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the applicant, of the ineligibility determination, including the reasons for the determination, the requirements under this part, and right of appeal under part 3325.0478;

C. provide a description of services available from and information on how to contact the client assistance program;

D. refer the applicant to other training or employment-related programs that are part of the one-stop service delivery system under the Workforce Investment Act of 1998, as amended, under United States Code, title 20, section 9701, et seq.;

Proposed Rules

E. provide information and referral to other organizations or programs from which the applicant might benefit, including independent living services; and

F. if requested by the applicant, or as appropriate the applicant's representative, review the ineligibility decision within 12 months and annually thereafter if the eligibility decision is based on a finding that the applicant is incapable of achieving an employment outcome.

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

3325.0142 CLOSURE WITHOUT AN ELIGIBILITY DECISION.

An applicant's record of services may be closed without an eligibility decision in cases where the applicant declines to participate in, or is unavailable to complete, an assessment for determining eligibility and priority of services and SSB has made multiple and varied attempts to contact the applicant or, if appropriate, the applicant's designated representative, to encourage the applicant's participation.

3325.0145 TRIAL WORK EXPERIENCE.

Subpart 1. **Purpose.** Prior to a determination that an individual with a disability is incapable of benefiting from services in terms of employment because of the severity of that disability, SSB must conduct an exploration of the individual's abilities, capabilities, and capacity to perform in realistic work situations to determine whether clear and convincing evidence supports such a determination. Where an individual cannot take advantage of a trial work period under this part, an extended evaluation under part 3325.0150 must be conducted.

Subp. 2. **Plan.** SSB must develop a written plan to assess periodically the individual's abilities, capabilities, and capacity to perform in work situations through the use of trial work experiences, which must be provided in the most integrated setting possible, consistent with informed choice and rehabilitation needs of the individual.

Subp. 3. **Scope and duration.** Trial work experiences include supported employment, on-the-job training, and other experiences using realistic work settings. Trial work experiences must be of sufficient variety and period of time to determine that:

A. there is sufficient evidence to conclude that the individual can benefit from services in terms of employment; or

B. there is clear and convincing evidence that the individual is incapable of benefiting from services in terms of an employment outcome due to the severity of the individual's disability.

Subp. 4. **Supports during trial work experiences.** SSB shall provide supports, including rehabilitation technology and services, and personal assistance services to accommodate the rehabilitation needs of the individual during the trial work experiences.

3325.0150 EXTENDED EVALUATION.

Subpart 1. **Purpose and eligibility.** SSB shall conduct an extended evaluation to determine whether the provision of rehabilitation services is likely to enable the applicant to obtain or retain suitable gainful employment if: Where an individual cannot take advantage of a trial work period under part 3325.0145, an extended evaluation must be conducted to determine whether there is sufficient evidence to conclude that the individual can benefit from the provision of vocational rehabilitation services in terms of employment outcome or if there is clear and convincing evidence that an individual with a disability is incapable of benefiting from services in terms of employment because of the severity of that disability.

A. the applicant has a visual disability which constitutes a substantial handicap to employment; and

B. SSB is unable to determine whether there is a reasonable expectation that the provision of rehabilitation services is likely to enable the applicant to obtain or retain suitable gainful employment without an extended evaluation to determine the applicant's vocational rehabilitation potential.

Subp. 2. **Individualized written rehabilitation Plan.** After SSB determines that an extended evaluation is required under subpart 1, an individualized written rehabilitation plan must be developed and signed by the applicant and the applicant's rehabilitation counselor.

Proposed Rules

SSB shall provide the applicant with a copy of the written plan which must contain the information specified in items A to D: SSB must develop a written plan for providing only those services necessary to make a determination whether or not there is clear and convincing evidence that an individual with a disability is incapable of benefiting from services in terms of employment because of the severity of that disability. Services must be provided in the most integrated setting possible, consistent with informed choice and rehabilitation needs of the individual.

A. the basis on which the applicant was determined eligible for an extended evaluation;

B. the specific services to be provided to the applicant and the anticipated starting date and duration of each service;

C. the terms and conditions for the provision of services under the extended evaluation, including the terms and conditions specified in part 3325.0170, subpart 2, item F; and

D. the information specified in part 3325.0170, subpart 2, items H to J, and the views of the applicant concerning the services the applicant is to receive under the written plan.

Subp. 3. **Services available Scope and duration.** All the services available to clients under the vocational rehabilitation program must be available to applicants undergoing extended evaluations except vocational training services; postemployment services; job placement services; occupational licenses; occupational tools; occupational equipment; and initial stocks and supplies. Extended evaluation services must be of sufficient variety and period of time to determine that:

A. there is sufficient evidence to conclude that the individual can benefit from services in terms of employment; or

B. there is clear and convincing evidence that the individual is incapable of benefiting from services in terms of an employment outcome due to the severity of the individual's disability.

Subp. 4. [See repealer.]

Subp. 5. **Supports during extended evaluation.** SSB must provide supports, including rehabilitation technology and services, and personal assistance services to accommodate the rehabilitation needs of the individual during the extended evaluation.

3325.0165 DEVELOPMENT OF INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE).

Subpart 1. **Purpose.** SSB must conduct an assessment for determining vocational rehabilitation needs, if appropriate, for each eligible individual or, if SSB is operating under an order of selection, for each eligible individual to whom SSB is able to provide services. The purpose of this comprehensive assessment is to determine the employment outcome and the nature and scope of vocational rehabilitation services to be included in the IPE. The IPE must:

A. be designed to achieve the specific employment outcome that is selected by the individual that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice; and

B. to the maximum extent appropriate, result in employment in an integrated setting.

Subp. 2. **Introductory information.** SSB must provide the introductory information in items A and B to each eligible individual or, as appropriate, the individual's representative, in writing and, if appropriate, in the native language or mode of communication of the individual or the individual's representative.

A. SSB must provide information on the available options for developing the IPE and amendments thereto, including the option that an eligible individual or, as appropriate, the individual's representative may develop all or part of the IPE:

(1) without assistance from SSB or other entity; or

(2) with assistance from:

(a) a qualified vocational rehabilitation counselor employed by SSB;

(b) a qualified vocational rehabilitation counselor who is not employed by SSB; or

(c) resources other than those in items A and B.

B. SSB must provide additional information to assist the eligible individual or, as appropriate, the individual's representative in developing the IPE and amendments, including:

Proposed Rules

(1) information describing the full range of components that must be included in an IPE;

(2) as appropriate to each eligible individual:

(a) an explanation of agency guidelines and criteria for determining an eligible individual's financial commitments under an IPE;

(b) information on the availability of assistance in completing SSB forms required as part of the IPE; and

(c) additional information that the eligible individual requests or SSB determines to be necessary to the development of the IPE;

(3) a description of the rights and remedies available to the individual, including, if appropriate, recourse to the processes described in part 3325.0478; and

(4) a description of services available from and information on how to contact the client assistance program.

Subp. 3. Mandatory procedures. SSB must ensure that:

A. the IPE is a written document prepared on forms provided by SSB;

B. the IPE is developed and implemented in a manner that gives eligible individuals the opportunity to exercise informed choice, consistent with part 3325.0110, subpart 29a, in selecting:

(1) the employment outcome, including the employment setting;

(2) the specific vocational rehabilitation services needed to achieve the employment outcome, including the settings in which services will be provided;

(3) the entity or entities that will provide the vocational rehabilitation services; and

(4) the methods available for procuring the services;

C. the IPE is:

(1) agreed to and signed by the eligible individual or, as appropriate, the individual's representative; and

(2) approved and signed by a qualified vocational rehabilitation counselor employed by SSB;

D. a copy of the IPE and a copy of any amendments to the employment plan are provided to the eligible individual or, as appropriate, the individual's representative, in writing and, if appropriate, in the native language or mode of communication of the individual or, as appropriate, the individual's representative;

E. the IPE is reviewed at least annually by a vocational rehabilitation counselor and the eligible individual or, as appropriate, the individual's representative to assess the eligible individual's progress in achieving the identified employment outcome;

F. the IPE is amended, as necessary, by the individual or, as appropriate, the individual's representative, in collaboration with a qualified vocational rehabilitation counselor employed or not employed by SSB, if there are substantive changes in the employment outcome, the vocational rehabilitation services to be provided, or the providers of the vocational rehabilitation services;

G. amendments to the IPE do not take effect until agreed to and signed by the eligible individual or, as appropriate, the individual's representative and by a qualified vocational rehabilitation counselor employed by SSB;

H. if SSB intends to amend an eligible individual's IPE without the agreement of the eligible individual or the individual's representative, SSB must:

(1) send notice to the eligible individual by certified mail of the proposed amendment at least ten working days prior to the effective date of the proposed amendment, unless circumstances beyond SSB's control make the time requirement impractical;

(2) provide in the notice the basis for and effective date of the proposed amendment;

Proposed Rules

(3) provide in the notice a summary of the eligible individual's appeal rights under part 3325.0478; and

(4) provide in the notice a description of and information on the client assistance program; and

I. an IPE for a student with a disability receiving special education services is developed:

(1) in consideration of the student's special education plan; and

(2) in accordance with the plans, policies, procedures, and terms of the interagency agreement required under *Code of Federal Regulations*, title 34, section 361.22.

Subp. 4. **Standard for prompt development of IPE.** IPE's shall be completed within 90 days following the determination of eligibility unless there are exceptional and unforeseen circumstances beyond the control of SSB, and SSB and the eligible individual or, as appropriate, the individual's representative, agree to a specific extension of time. In addition, for transition students the IPE must be completed within 90 days following the determination of eligibility, or by the time the eligible individual leaves the school setting, whichever is earlier.

Subp. 5. **Data for preparing IPE.**

A. To the extent possible, the employment outcome and the nature and scope of vocational rehabilitation services to be included in the individual's IPE must be determined based on the data used for the assessment of eligibility and priority for services.

B. If additional data are necessary to determine the employment outcome and the nature and scope of services to be included in the IPE of an eligible individual, SSB must conduct a comprehensive assessment of the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment services, of the eligible individual, in the most integrated setting possible, consistent with the informed choice of the individual in accordance with *Code of Federal Regulations*, title 34, section 361.5(b)(6)(ii).

C. In preparing the comprehensive assessment, SSB must use, to the maximum extent possible and appropriate and in accordance with confidentiality requirements, existing information that is current as of the date of the development of the IPE, including:

(1) information available from other programs and providers, particularly information used by education officials and the Social Security Administration;

(2) information provided by the individual and the individual's family; and

(3) information obtained under the assessment for determining the individual's eligibility and vocational rehabilitation needs.

D. The alternative techniques of blindness of all eligible individuals must be assessed, and any deficits identified addressed in the IPE.

3325.0175 CONTENT OF IPE.

Subpart 1. **Mandatory components.** Regardless of the approach in part 3325.0165, subpart 2, item A, development of the IPE that an eligible individual selects for purposes of developing the IPE, each IPE must include:

A. a description of the specific employment outcome that is chosen by the eligible individual that:

(1) is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice; and

(2) to the maximum extent appropriate, results in employment in an integrated setting;

B. a description of the specific rehabilitation services under part 3325.0180 that are:

(1) needed to achieve the employment outcome, including, as appropriate, the provision of assistive technology devices, assistive technology services, and personal assistance services, including training in the management of those services; and

(2) provided in the most integrated setting that is appropriate for the services involved and is consistent with the informed choice of the eligible individual;

C. time lines for the achievement of the employment outcome and for the initiation of services;

Proposed Rules

D. a description of the entity or entities chosen by the eligible individual or, as appropriate, the individual's representative that will provide the vocational rehabilitation services and the methods used to procure those services;

E. a description of the criteria that will be used to evaluate progress toward achievement of the employment outcome; and

F. the terms and conditions of the IPE, including, as appropriate, the information describing:

(1) the responsibilities of SSB;

(2) the responsibilities of the eligible individual, including:

(a) the responsibilities the individual will assume in relation to achieving the employment outcome;

(b) if applicable, the extent of the individual's participation in paying for the cost of services; and

(c) the responsibility of the individual with regard to applying for and securing comparable services and benefits as described in part 3325.0430; and

(3) the responsibilities of other entities as the result of arrangements made pursuant to the comparable services or benefits requirements in part 3325.0430.

Subp. 2. Supported employment requirements. An IPE for an individual with the most significant disability for whom an employment outcome in a supported employment setting has been determined to be appropriate must:

A. specify the supported employment services to be provided by SSB;

B. specify the expected extended services needed, which may include natural supports;

C. identify the source of extended services or, to the extent that it is not possible to identify the source of extended services at the time the IPE is developed, include a description of the basis for concluding that there is a reasonable expectation that those sources will become available;

D. provide for periodic monitoring to ensure that the individual is making satisfactory progress toward meeting the weekly work requirement established in the IPE by the time of transition to extended services;

E. provide for the coordination of services provided under an IPE with services provided under other individualized plans established under other federal or state programs;

F. to the extent that job skills training is provided, identify that the training will be provided on site; and

G. include placement in an integrated setting for the maximum number of hours possible based on the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of individuals with the most significant disabilities.

Subp. 3. Postemployment services. The IPE for each individual must contain, as determined to be necessary, statements concerning:

A. the expected need for postemployment services prior to closing the record of services of an individual who has achieved an employment outcome;

B. a description of the terms and conditions for the provision of any postemployment services; and

C. if appropriate, a statement of how postemployment services will be provided or arranged through other entities as the result of arrangements made pursuant to the comparable services or benefits requirements in part 3325.0430.

Subp. 4. Coordination of services for students with disabilities who are receiving special education services. The IPE for a student with a disability who is receiving special education services must be coordinated with the special education plan for that individual in terms of goals, objectives, and services identified in the special education plan.

3325.0180SCOPE OF SERVICES.

SSB provides the following services to vocational rehabilitation ~~clients~~ eligible individuals subject to the conditions specified in part 3325.0420:

A. adjustment to blindness services ~~which~~ that consist of vocational rehabilitation counseling, rehabilitation teaching services, and orientation and mobility services;

B. advocacy services;

C. communication center services;

D. diagnostic ~~evaluation~~ assessment services;

E. interpreter services;

F. ~~job placement~~ job-related services;

G. low vision services;

H. maintenance;

I. note-taking services;

J. occupational licenses, tools, equipment, and initial stocks and supplies;

~~K.~~ M. personal assistance services;

~~L.~~ physical and mental restoration services;

~~K.~~ M. postemployment services;

~~E.~~ N. reader services;

~~M.~~ O. referral services;

~~N.~~ restoration services;

~~Θ.~~ P. services to family members;

Q. supported employment services;

R. technical assistance and other consultation services;

~~P.~~ S. telecommunications, sensory, and other technological aids and devices rehabilitation technology;

T. transition services;

~~⊖.~~ U. transportation services;

~~R.~~ V. vocational training services; and

~~S.~~ W. other goods and services related to employment or vocational training

Proposed Rules

3325.0190 TERMINATION CLOSING THE RECORD OF SERVICES.

Subpart 1. ~~Conditions for refusing services to referrals, applicants, and unrehabilitated clients~~ Closing the record of services of individuals who have not achieved an employment outcome. SSB may refuse to provide or terminate the provision of services to a referral, applicant, or unrehabilitated vocational rehabilitation client only if the referral, applicant, or client The record of services of an individual who has not achieved an employment outcome will be closed when the individual:

A. does not satisfy the eligibility conditions of the program identified in part 3325.0130; or

B. ~~has left the state or been impossible not responded to multiple and varied attempts to contact by telephone at work, at home, or at the person's last known place of employment and has not responded to correspondence requesting a response mailed to the person's last known address and containing a specific notification that the failure to respond within 15 calendar days after mailing shall result in the refusal to provide or termination of the provision~~ closure of the individual's record of services; or

C. has died; or

D. has been institutionalized and will, as a result, be unavailable to receive needed services or evaluation from SSB; or

E. has refused to comply with any of the requirements of parts 3325.0120 to ~~3325.0470~~ 3325.0490 or with any terms or conditions in the ~~client's eligible individual's written plan~~ IPE; or

F. has refused repeatedly to accept or use the rehabilitation services necessary to rehabilitate the ~~client~~ eligible individual. Before ~~terminating closing the record of services~~ or refusing to provide services based on this condition, the ~~client's eligible individual's vocational rehabilitation counselor shall explain to the client eligible individual the purpose of the program and the services to be provided and shall encourage the client's eligible individual's participation.~~

Subp. 2. ~~Conditions for terminating the provision of services to rehabilitated clients closing the record of services of individuals who have achieved an employment outcome.~~ SSB ~~shall terminate services being provided to a vocational rehabilitation client due to rehabilitation of the client only if the client~~ The record of services of an individual who has achieved an employment outcome will be closed when the individual has:

A. achieved the ~~rehabilitation goal~~ employment outcome identified in the ~~client's eligible individual's written plan~~ IPE, and:

(1) it is consistent with the eligible individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice; and

(2) it is in the most integrated setting possible, consistent with the eligible individual's informed choice;

B. ~~received rehabilitation services in accordance with the client's written plan consisting, at a minimum, of rehabilitation counseling and an evaluation of the client's vocational rehabilitation potential maintained employment for at least 90 calendar days and the eligible individual and vocational rehabilitation counselor agree that no further vocational rehabilitation services are needed, the employment outcome is satisfactory, and the eligible individual is performing well; and~~

C. ~~obtained and retained suitable gainful employment for a period of not less than 60 days been informed through appropriate modes of communication of the availability of postemployment services.~~

Subp. 3. Consultation prior to termination closing the record of services. If SSB expects to ~~terminate~~ discontinue services a ~~client~~ eligible individual is receiving under a written IPE because the ~~client~~ eligible individual no longer satisfies the eligibility conditions identified in part 3325.0130, SSB shall, before ~~termination closing the record of services~~, offer the ~~client~~ eligible individual a clear opportunity to discuss the anticipated ~~termination in accordance with the closing of the case record according to Code of Federal Regulations, title 34, section 361.40(d)(1)~~ 361.43.

Subp. 4. Notice of termination closing the record of services and amendment to written employment plan. If a ~~client's services are to be terminated~~ an eligible individual's record of services is to be closed for reasons other than successful rehabilitation under subpart 2, or death, SSB shall notify the ~~client~~ eligible individual of the proposed ~~termination closing the record of services~~ in accordance with part ~~3325.0470~~ 3325.0165, subpart ~~6.3~~, item H. When the services are ~~terminated discontinued~~, SSB shall amend the ~~client's eligible individual's written plan~~ IPE to reflect the ~~termination closing the record of services~~. The amendment must contain a summary or description of the information or circumstances upon which the ~~termination closure~~ decision was based. If the ~~termination closure~~ decision

Proposed Rules

was based on the client's eligible individual's refusal to accept or use necessary services provided by SSB, the amendment must include a description of the efforts made by SSB to encourage the client's eligible individual's participation in the vocational rehabilitation process.

3325.0200 CASE RECORD OF SERVICES.

SSB shall maintain for each applicant and client eligible individual a case record of services that contains the information required under the Code of Federal Regulations, title 34, section 361.39 361.47.

3325.0205 ACCESSING INDEPENDENT LIVING PROGRAM REHABILITATION SERVICES.

Subpart 1. Referral. Referral may be from another agency or person or a self-referral and may be oral or written. The referral must provide the person's name and a method of contact.

Subp. 2. Initial interview. Each person referred to SSB for independent living rehabilitation services shall be personally interviewed within 30 days unless exceptional and unforeseen circumstances beyond SSB's control make it impossible to do so or unless otherwise agreed upon by the individual and the SSB direct service staff. As part of the interview, the SSB direct service staff must:

A. explain the independent living services available;

B. request the information needed to determine eligibility under part 3325.0220;

C. explain and determine interest in workforce development and communication center services offered by SSB; and

D. inform the individual of the:

(1) protection, use, and release of the individual's personal information in accordance with Code of Federal Regulations, title 34, section 364.56, and Minnesota Statutes, section 13.791;

(2) right of appeal under part 3325.0478;

(3) services available from and information on how to contact the client assistance program; and

(4) identity of and means to contact organized support and advocacy groups of the blind and deafblind in Minnesota.

Subp. 3. Legal representative. All signature requirements placed on individuals by parts 3325.0205 to 3325.0478 may be satisfied by the signature of an individual's legal representative. All written notices that must be provided to individuals under parts 3325.0205 to 3325.0490 must be provided to the individual's legal representative unless providing the information would violate provisions of the Minnesota Data Practices Act.

Subp. 4. Designated representative. An individual or an individual's legal representative may designate one person to represent the individual in any matter pertaining to the individual's request for or receipt of independent living rehabilitation services. The individual must designate a representative in writing and may not designate more than one representative at any given time. SSB must provide an individual's designated representative with a copy of a written notice only if specifically authorized to do so in writing by the individual.

Subp. 5. Residency. No individual who is present in the state of Minnesota may be denied independent living rehabilitation services on the basis of residency.

Subp. 6. Access to contents of record of services. Access to the contents of an individual's record of services or to any other information maintained by SSB which pertains to the individual must be administered by SSB in accordance with the Minnesota Data Practices Act, Minnesota Statutes, chapter 13, and all other applicable laws and regulations.

Subp. 7. Written communication. All written communication with a referral or eligible individual must be supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual.

3325.0208 PRIORITY FOR SERVICES IF FUNDS ARE NOT AVAILABLE.

If the director determines that SSB will not have sufficient funds to serve all current and anticipated eligible individuals in the independent living program in a given fiscal year, the director must implement the following priorities in serving individuals:

Proposed Rules

- A. Priority 1: all eligible individuals currently served at the time of the determination under this part;
- B. Priority 2: all eligible individuals living alone in a home or apartment in need of independent living services;
- C. Priority 3: all eligible individuals living with others in a home or apartment in need of independent living services; and
- D. Priority 4: all other eligible individuals in need of independent living services.

3325.0210 CONDITIONS OF ELIGIBILITY.

An applicant individual is eligible ~~for to receive~~ rehabilitation services under the independent living program only if:

- A. ~~the applicant individual has a severe visual disability that constitutes or is accompanied by a severe disability impairment;~~
- B. ~~the applicant's visual disability, alone or in conjunction with other disabilities, results in a severe limitation in ability to function independently in family or community; and severe visual impairment makes competitive employment extremely difficult to obtain;~~
- C. ~~there is a reasonable expectation that providing the applicant with rehabilitation services available under part 3325.0250 is likely to significantly assist the applicant in improving the applicant's ability to function independently in family or community; independent living goals are feasible for the individual; and~~
- D. ~~the individual is at least 18 years of age and the individual's school district is not legally obligated to provide independent living services.~~

3325.0220 PRELIMINARY EVALUATION INTERVIEW AND ASSESSMENT.

Subpart 1. **Purpose of evaluation interview and assessment.** SSB shall conduct ~~a preliminary evaluation an initial interview~~ to determine whether an applicant individual is eligible for rehabilitation services under the independent living program.

Subp. 2. **Scope of evaluation interview and assessment.** Each eligibility determination must be based on the information specified in items A, B, and C.

A. ~~An oral description by the individual of the individual's visual impairment, observation by the SSB direct service staff, or a written report which documents the results of a medical eye or optometric examination of the applicant and which is signed by a physician or optometrist. The description, observation by the SSB direct service staff, or report contains sufficient information for eligibility purposes if; in conjunction with the report required under item B; it enables the applicant's rehabilitation counselor or the ophthalmologic consultant who reviews the report SSB direct service staff interviewing the individual to determine whether the applicant is blind or individual has a severe visual disability as of the date of application impairment.~~

B. ~~A written report which documents the results of a general medical examination of the applicant and which is signed by a physician discussion by the SSB direct service staff and the individual regarding the individual's employment status and interests. The report discussion contains sufficient information for eligibility purposes if it enables the applicant's rehabilitation counselor or the medical consultant who reviews the report SSB direct service staff to determine whether the applicant has any nonvisual disabilities as of the date of application which could limit the applicant's ability to make improvements in independent functioning individual's severe visual impairment makes competitive employment extremely difficult to obtain.~~

C. ~~Other information regarding the applicant's employment history and educational background and other information needed to determine whether individual to determine if independent living goals are feasible and whether the individual's school district is legally obligated to provide independent living services.~~

(1) ~~the applicant's ability to function independently in family or community is severely limited by a visual disability and by any other disability that may be present; and~~

(2) ~~there is a reasonable expectation that providing the applicant with rehabilitation services available under part 3325.0250 is likely to significantly assist the applicant in improving the applicant's ability to function independently in family or community.~~

Subp. 3. **Notice of eligibility.** ~~After a rehabilitation counselor an SSB direct service staff has determined that an applicant individual is eligible for independent living rehabilitation services, the rehabilitation counselor SSB direct service staff shall inform the applicant in writing individual of the eligibility determination. The notice must be mailed or personally delivered by SSB within ten working days after~~

Proposed Rules

certification of eligibility under the *Code of Federal Regulations*, title 34, section 365.33(a).

Subp. 4. **Prior consultation.** If SSB expects to find an applicant individual ineligible for rehabilitation services, SSB shall, before making its final determination, offer the applicant individual a clear opportunity to discuss the anticipated determination.

Subp. 5. **Notice of ineligibility.** After a ~~rehabilitation counselor~~ an SSB direct service staff has determined that an applicant individual is ineligible for rehabilitation services, the ~~rehabilitation counselor~~ SSB direct service staff shall inform the applicant individual in writing of the reasons for the determination, the applicant's individual's appeal rights under ~~parts 3325.0480 and 3325.0490~~ part 3325.0478, and ~~the applicant's right to and means of obtaining assistance under a description of services available from and information on how to contact the client assistance program.~~ The notice must be mailed ~~or personally delivered~~ by SSB within ten working days after ~~certification of ineligibility under the Code of Federal Regulations, title 34, section 365.33(b)~~ the determination.

Subp. 6. [See repealer.]

3325.0230 THOROUGH EVALUATION ASSESSMENT.

Subpart 1. **Purpose of evaluation assessment.** After a ~~client~~ an individual is determined eligible for ~~rehabilitation services under the independent living program services~~ and before formulating the ~~client's written plan~~ an ILCSR, the ~~client eligible individual~~ and the ~~client's rehabilitation counselor~~ SSB direct service staff shall conduct a thorough evaluation assessment to identify the independent living ~~rehabilitation goal~~ the client will pursue goals and the services needed to achieve the goal goals.

Subp. 2. **Scope of evaluation assessment.** The thorough evaluation assessment of each independent living client eligible individual must consist of a review ~~by the client and the client's rehabilitation counselor~~ of the following:

A. ~~The client's work history, level of education, relative performance in school, and major areas of educational emphasis.~~

~~B. A.~~ The client's eligible individual's nonvocational interests.

~~B. B.~~ The client's eligible individual's beliefs and concerns regarding the ~~client's blindness or visual disability~~ severe visual impairment and any other information ~~the client or rehabilitation counselor considers that is~~ important in assessing the degree of independent living counseling needed ~~by the client to overcome any self-doubts caused by the client's blindness or visual disability~~ severe visual impairment or other impairments such as combined vision and hearing loss.

~~C. C.~~ The client's eligible individual's ability to travel independently and need for orientation and mobility services.

~~D. D.~~ The client's eligible individual's communication skills and need for braille instruction, computer, and other communication skills training.

~~E. E.~~ The client's self-care and homemaking eligible individual's personal management skills and the need for rehabilitation teaching services.

~~F. F.~~ The client's eligible individual's ability to use residual vision and the extent to which low vision services could be used ~~by the client in helping the client perform to assist the individual in performing~~ specific educational ~~or self-care activities which the client and rehabilitation counselor expect will be involved in implementing the client's written plan~~ activities or activities of daily living.

H. The reports obtained for the preliminary evaluation under part 3325.0220, subpart 2, and the results of any additional medical, optometric or audiological examinations ~~which the client's rehabilitation counselor, in consultation with the medical or ophthalmologic consultant, considers necessary to determine how and to what extent the client's disability can be corrected or minimized by restoration services.~~

~~F. G.~~ Any other information needed to determine the client's eligible individual's independent living rehabilitation goal goals and rehabilitation service needs.

Proposed Rules

3325.0240 ~~INDIVIDUALIZED WRITTEN REHABILITATION PLAN INDEPENDENT LIVING CUSTOMER SERVICE RECORD (ILCSR).~~

Subpart 1. **Preparation of written plan.** After a thorough evaluation is completed, the client eligible individual and the client's rehabilitation counselor SSB direct service staff shall jointly prepare an individualized written rehabilitation plan for the client. The written plan must be signed by the rehabilitation counselor and the client. The client must be provided with a copy of the written plan independent living customer service record (ILCSR). The ILCSR is primarily an electronic record of all documentation regarding SSB's communications with and services provided to eligible individuals.

Subp. 2. **Contents of written plan ILCSR.** The written plan ILCSR must contain the following information:

A. The independent living rehabilitation goal goals which the rehabilitation counselor SSB direct service staff and client eligible individual have agreed to pursue and the intermediate rehabilitation objectives necessary to attain the client's rehabilitation goal.

B. The specific rehabilitation services ~~which that~~ the client eligible individual must receive in order to achieve the client's intermediate rehabilitation objectives and independent living rehabilitation goal goals.

C. The projected duration of each rehabilitation service to be provided to the client and the projected period of time within which the client is anticipated to achieve the rehabilitation goal.

D. The views of the client concerning the client's rehabilitation goal, intermediate rehabilitation objectives, and the services to be provided under the plan.

E. A summary of the client's appeal rights under parts 3325.0480 and 3325.0490 and the means by which the client can obtain assistance through the client assistance program.

F. The identity of and means by which the client can contact organized support and advocacy groups of the blind or deaf-blind in Minnesota.

Subp. 3. **Basis for contents of written plan the ILCSR.** The independent living rehabilitation goal goals and services identified in a client's written plan an eligible individual's ILCSR must be based on and supported by information obtained in the client's preliminary and thorough evaluations assessments and any subsequent information developed during the rehabilitation process in assessing the client's eligible individual's rehabilitation potential and service needs.

Subp. 4. **Assessment of progress under written plan.** The client eligible individual and the client's rehabilitation counselor SSB direct service staff shall assess the client's progress under the written plan towards the independent living rehabilitation goals as frequently as necessary, but at least once a year according to the schedule established in the written plan. The client must be offered an opportunity to participate in the assessment which must consist of a review of information relevant to the client's progress toward the intermediate rehabilitation objectives and rehabilitation goal in the plan. An in-person assessment is required if so requested by the client and if the client agrees to meet with the counselor at the appropriate SSB office or if an in-person assessment would not involve travel to a distant location by the counselor.

Subp. 5. **Amendment to written plan ILCSR.** A client's written plan An eligible individual's ILCSR must be amended jointly by the client eligible individual and the client's rehabilitation counselor SSB direct service staff at any time when necessary to reflect changes in the client's service needs, financial situation, health, intermediate rehabilitation objectives, or independent living rehabilitation goal goals. Both the client and the client's rehabilitation counselor must re-sign the written plan when both have agreed on an amendment.

3325.0250 SCOPE OF SERVICES TO CLIENTS ELIGIBLE INDIVIDUALS AND ADJUSTMENT OF LIMITATIONS.

Subpart 1. **Scope of services.** SSB provides the following services to independent living clients eligible individuals subject to the conditions specified in part 3325.0420 and those contained in this part:

A. adjustment to group and individual blindness services which that consist of rehabilitation independent living counseling, rehabilitation teaching services, and orientation and mobility services;

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

D. diagnostic ~~evaluation~~ assessment services;

E. interpreter services;

F. low vision services; with the following limitations:

(1) only up to a limit of \$300 per period of eligibility for each spectacle mounted low vision aid with at least a +4.00 diopter add;
and

(2) SSB does not purchase electronic magnification systems for individuals;

G. maintenance;

~~H. note-taking services;~~

~~I. reader services;~~

~~J. H. referral services;~~

~~K. restoration services;~~

~~L. I. services to family members identified in part 3325.0110, subpart 72, items B, C, and E up to a limit of \$300 per period of eligibility;~~

~~M. J. telecommunications, sensory, and other technological aids and devices; and rehabilitation technology with the following limitations:~~

~~(1) only up to \$100 per period of eligibility for each nonelectronic technology device;~~

~~(2) only up to \$1,000 total per period of eligibility for adaptive software;~~

~~(3) only up to ten hours of training, excluding travel time, per period of eligibility for keyboarding, computer literacy, and use of computerized aids or devices; and~~

~~(4) SSB does not purchase computers, related accessories, or other computerized aids and devices for individuals; and~~

~~N. K. transportation services.~~

Subp. 2. Adjustment of limitations. Expenditure limitations imposed by subpart 1 must be adjusted by the director on an annual basis according to the requirements of this subpart.

A. In November of each year, the director must obtain from the *Federal Register* the percentage change in the Consumer Price Index published by the secretary of labor for October of the preceding federal fiscal year and October of the federal fiscal year in which such publication is made.

B. If in any fiscal year the percentage change indicates an increase in the Consumer Price Index, as determined under item A, then the expenditure limitations imposed by subpart 1 for the subsequent fiscal year must be equal to the expenditure limitation increased by such percentage change, rounded off to the nearest \$5 increment.

C. If in any fiscal year the percentage change does not indicate an increase in the Consumer Price Index, as determined under item A, then the expenditure limitations imposed by subpart 1 for the subsequent fiscal year must be equal to the expenditure limitation in place at the time of publication.

D. For purposes of this subpart, "Consumer Price Index" means the Consumer Price Index for All Urban Consumers, published monthly by the United States Department of Labor, Bureau of Labor Statistics.

Proposed Rules

3325.0260 ~~TERMINATION CLOSING THE RECORD OF SERVICES.~~

Subpart 1. ~~Conditions for refusing services to referrals, applicants, and unrehabilitated clients~~ **Closing the record of services of an eligible individual who has not achieved independent living goals.** SSB may refuse to provide or terminate the provision of services to a referral, applicant, or unrehabilitated independent living client only if the referral, applicant, or client The record of services of an eligible individual who has not achieved independent living goals must be closed when the individual:

A. does not satisfy the eligibility conditions of the program identified in part 3325.0210; or

B. ~~has left the state or been impossible not responded to multiple and varied attempts to contact by telephone at work, at home, or at the person's last known place of employment~~ the individual and has not responded to correspondence requesting a response mailed to the person's last known address and containing a specific notification that the failure to respond within 15 calendar days of mailing the notice shall result in ~~the refusal to provide or termination of the provision of services; or closure of the record of services;~~

C. has died; or

D. has refused to comply with any of the requirements of parts ~~3325.0120~~ 3325.0205 to 3325.0470 or with any terms or conditions in the ~~client's written~~ eligible individual's plan; or

E. has refused to accept or use the independent living rehabilitation services necessary to ~~rehabilitate the client~~ achieve the identified independent living goals. Before terminating or refusing to provide services based on this condition, the ~~client's rehabilitation counselor~~ SSB direct service staff shall explain to the ~~client~~ eligible individual the purpose of the program and the services to be provided and shall encourage the ~~client's~~ eligible individual's participation.

Subp. 2. ~~Conditions for terminating the provision of services to rehabilitated clients closing the record of services of an eligible individual who has achieved independent living goals.~~ SSB shall terminate services being provided to an independent living client due to rehabilitation of the client if the client has achieved the intermediate rehabilitation objectives and rehabilitation goal identified in the client's written plan and if the client The record of services of an eligible individual who has achieved and maintained independent living goals for a period of 30 calendar days must be closed if the eligible individual:

A. has moved to a less restrictive living situation; or

B. ~~needs less personal assistance~~ maintains or increases the individual's independence in one or more of the following areas:

(1) ~~personal hygiene and grooming~~ management and daily living skills;

(2) ~~eating and meal preparation for oneself;~~

(3) ~~(2)~~ communicating; or

(4) ~~(3)~~ traveling.

Subp. 3. ~~Consultation prior to termination closing the record of services.~~ If SSB expects to ~~terminate~~ discontinue services a ~~client~~ an eligible individual is receiving under a written plan for any reason, SSB must, before ~~termination closing the record of services~~, offer the ~~client~~ eligible individual an opportunity to discuss the anticipated ~~termination in accordance with the Code of Federal Regulations, title 34, section 365.36(d)(1)~~ closing of the record of services.

Subp. 4. **Notice of termination closing the record of services and amendment to written plan.** If a ~~client's~~ an eligible individual's services are to be ~~terminated~~ discontinued for reasons other than successful rehabilitation under subpart 2, ~~except for death~~, SSB shall notify the ~~client~~ eligible individual and amend the ~~client's written~~ eligible individual's plan to reflect the ~~termination closing of the record of services~~. The notice and amendment must contain a summary or description of the information or circumstances upon which the ~~termination~~ decision was based and a summary of the ~~client's~~ eligible individual's appeal rights under parts ~~3325.0480 and 3325.0490~~ part 3325.0478 and a description of services available from and how to contact the client assistance program. If the ~~termination~~ decision was based on the ~~client's~~ eligible individual's refusal to accept or use necessary services provided by SSB, the amendment must include a description of the efforts made by SSB to encourage the ~~client's~~ eligible individual's participation in the rehabilitation process.

3325.0270 ~~CASE RECORD OF SERVICES.~~

SSB shall maintain for each ~~applicant and client~~ individual a case record of services that contains the information required under the

Proposed Rules

Code of Federal Regulations, title 34, section ~~365.35~~ parts 3325.0205 to 3325.0478.

3325.0420 CONDITIONS OF SERVICE.

Subpart 1. Source of services.

~~A. Services provided by SSB may be provided directly to clients applicants and eligible individuals by SSB staff or purchased for clients applicants and eligible individuals from third parties such as physicians, optometrists, private businesses, state agencies, and community rehabilitation facilities programs that meet the standards identified in part 3325.0470.~~

~~B. Services provided to applicants and eligible individuals must be delivered by SSB staff and third parties who have been properly trained regarding the services provided.~~

Subp. 2. Conditions governing the provision of all rehabilitation services.

~~A. Rehabilitation services to determine eligibility for SSB services are subject to subparts 3 to 14 and informed choice.~~

~~B. Subject to subparts 3 to 14 and informed choice, SSB shall must ensure that each client eligible individual receives only the available rehabilitation services necessary to enable the client eligible individual to achieve the client's intermediate rehabilitation objectives and rehabilitation goal eligible individual's employment or independent living outcome except:~~

~~A:~~

~~(1) SSB shall must not provide a rehabilitation service, other than a diagnostic evaluation assessment service, to a client an eligible individual unless the service is identified in a written plan the IPE or ILCSR; and~~

~~B:~~

~~(2) SSB shall must not provide a rehabilitation service to a client an eligible individual if the client's eligible individual's school district is legally obligated to provide the service unless the school district's provision of the service would not meet the rehabilitation needs of the client as determined by SSB in which case SSB shall provide the service until the school district agrees to provide an adequate level of the service or is specifically ordered to do so in an administrative or judicial proceeding consistent with an interagency agreement with the Minnesota Department of Education that identifies each party's roles, responsibilities, and financial obligations.~~

~~C. Only in the most unusual of circumstances may a family member be a vendor or provider of services to the individual, and then only with prior supervisory approval.~~

Subp. 3. **Communication center services.** SSB shall must provide communication center services to a person, regardless of whether the person is a ~~client an eligible individual~~, if the person provides SSB with written documentation signed by a physician, optometrist, or other "competent authority" as defined in the *Code of Federal Regulations*, title 36, section ~~701.10(b)(2)~~ 701.6(b)(2), stating that the person has a physical disability that prevents the person from reading standard printed material.

Subp. 4. **Interpreter services.** ~~Items A and B govern the provision of interpreter services:~~

~~A. SSB may provide interpreter services to a client only if the client is diagnosed as deaf by an audiologist or a physician skilled in diseases of the ear.~~

~~B. Interpreter services may be provided only for communication needs that result from implementing the client's written plan to conduct a diagnostic assessment or in implementation of the eligible individual's IPE or ILCSR.~~

Subp. 5. **Low vision services.** Items A to C govern the provision of low vision services.

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

~~C. SSB shall must not provide low vision services to a client an eligible individual who is or is likely to become legally blind in place of instruction in the use of alternative techniques necessary for achievement of the client's rehabilitation goal eligible individual's employment outcome or independent living goal.~~

Subp. 6. [See repealer.]

Subp. 7. **Note-taking services.** Items A and B govern the provision of note taking services.

Proposed Rules

A. Note-taking services may be provided to ~~a client~~ an eligible individual only if the ~~client~~ eligible individual has a medical condition other than blindness which renders the ~~client~~ eligible individual unable to use braille or other means to record information for later use.

B. Note-taking services may only be provided for note-taking needs ~~that result to conduct a diagnostic assessment or from implementing the client's written~~ eligible individual's employment plan.

Subp. 8. **Orientation and mobility services.** Items A to C govern the provision of orientation and mobility services.

A. SSB ~~shall~~ must provide outdoor cane travel instruction to ~~a client~~ an eligible individual who is legally blind unless:

(1) the ~~client~~ eligible individual is not expected to travel alone outside the ~~client's~~ eligible individual's residence because of one or more severe nonvisual disabilities; or

(2) the ~~client~~ eligible individual and an orientation and mobility specialist or a person described in item B determine that the ~~client~~ eligible individual can travel safely and independently outside the ~~client's~~ eligible individual's residence without receiving outdoor cane travel instruction.

B. Travel techniques for purposes of outdoor travel must be taught by an orientation and mobility specialist or a person who has demonstrated a mastery of the travel techniques used by blind persons and the ability to safely and effectively teach these techniques to others. The provision of outdoor travel techniques to eligible individuals who are legally blind and have multiple impairments, such as legal blindness combined with hearing loss, may require additional expertise. The director ~~shall~~ must determine whether a person is qualified in these areas by considering all of the following factors:

[For text of subitems (1) to (3), see M.R.]

C. Orientation and mobility training of ~~a client~~ an eligible individual must give the ~~client~~ eligible individual an opportunity to travel without the instructor and on increasingly difficult routes to help the ~~client~~ eligible individual develop confidence in the ~~client's~~ eligible individual's ability to travel independently. Orientation and mobility training of legally blind ~~clients~~ eligible individuals who have some remaining vision must include the use of sleepshades unless an orientation and mobility specialist or a person described in item B determines that because of age or one or more nonvisual disabilities the use of sleepshades would be unsafe.

Subp. 9. [See repealer.]

Subp. 10. **Reader services.** Items A and B govern the provision of reader services.

A. SSB may provide reader services to ~~a client~~ an eligible individual only if:

(1) the reading requirements result from implementation of the ~~client's written plan~~ eligible individual's IPE; and

(2) the material to be read is not available in braille or accessible electronic or audio recording formats in time to meet an immediate need in the rehabilitation process which, if not met, would impede the ~~client's~~ eligible individual's rehabilitation progress or if the available formats do not lend themselves to effectively or efficiently conveying information contained in the reading requirements.

B. ~~A client~~ An eligible individual receiving reader services must, each month, submit to SSB an invoice indicating the hours of reader services received.

Subp. 11. **Rehabilitation teaching services.** Items A to C govern the provision of rehabilitation teaching services.

A. SSB ~~shall~~ must provide ~~a client~~ an eligible individual with instruction leading to proficiency in braille unless the ~~client~~ eligible individual can read print with enough proficiency to successfully complete the ~~client's written~~ eligible individual's plan or unless the ~~client~~ eligible individual has a medical condition which prevents the ~~client~~ eligible individual from reading braille.

B. Braille instruction must be provided by a rehabilitation teacher or a person who has demonstrated a mastery of grade 2 contracted braille and the ability to teach grade 2 contracted braille to blind persons. The director ~~shall~~ must determine whether a person is qualified in these areas by considering all of the following factors:

[For text of subitems (1) to (3), see M.R.]

C. Rehabilitation teaching services other than braille instruction must be provided by a rehabilitation teacher or a person who has demonstrated a mastery of alternative techniques other than braille or outdoor cane travel and the ability to teach alternative techniques to blind persons. The provision of rehabilitation teaching services other than braille instruction to eligible individuals who are legally blind and

Proposed Rules

have multiple impairments, such as legal blindness combined with hearing loss, may require additional expertise. The director ~~shall~~ must determine whether a person is qualified in these areas by considering all of the following factors:

[For text of subitems (1) to (3), see M.R.]

Subp. 12. **Physical and mental restoration services.** Items A to D govern the provision of physical and mental restoration services.

A. SSB may provide a physical or mental restoration service to ~~a client~~ an eligible individual only if:

(1) the ~~client's~~ eligible individual's condition for which the physical or mental restoration service is needed is stable or slowly progressive, or is an acute or chronic medical complication or emergency arising from or associated with the provision of restoration services;

(2) the ~~client's~~ eligible individual's condition constitutes, contributes to, or, if not corrected, is likely to constitute or contribute to a substantial handicap impediment to employment; and

(3) the ~~client's~~ eligible individual's condition can be corrected or substantially modified within a reasonable period of time.

B. SSB may purchase physical and mental restoration services only from physicians, optometrists, or other health professionals licensed under Minnesota Statutes, chapter 147 or 148.

C. SSB ~~shall~~ must not pay for experimental medical supplies or procedures. Experimental supplies or procedures means:

(1) health services which have progressed to limited human application and trial but which lack wide recognition as proven and effective procedures in clinical medicine as determined by the National Blue Cross and Blue Shield Association Medical Advisory Committee Panel; and

(2) drugs or devices that the United States Food and Drug Administration has not yet declared safe and effective for the use prescribed.

D. SSB ~~shall~~ must pay for restoration services in accordance with the rates established by the United States Department of Health and Human Services for Medicare.

Subp. 13. **Transportation services.** Items A to C govern the provision of transportation services.

A. SSB may provide transportation services only for transportation requirements that ~~result from implementing the client's written plan~~ are necessary to enable an applicant or eligible individual to be determined eligible for or participate in the vocational rehabilitation or independent living program.

B. SSB ~~shall~~ must provide the least expensive mode of transportation that serves the ~~client's~~ eligible individual's rehabilitation needs and accommodates any nonvisual disability related limitations the ~~client~~ eligible individual may have. When a private ~~automobile or van~~ vehicle is the mode of transportation identified in the ~~client's~~ written eligible individual's plan, SSB ~~shall~~ must pay parking fees and mileage at the rate established for state of Minnesota employees in the current managerial plan published by the Minnesota Department of Management and Budget. This document is incorporated by reference and is not subject to frequent change. It is available for inspection at ~~the Minnesota State Law Library~~ SSB's headquarters office.

C. SSB ~~shall~~ must pay for the transportation of an escort to accompany the ~~client~~ eligible individual while traveling only if the ~~client~~ eligible individual cannot yet travel safely without the assistance of an escort.

Subp. 14. **Vocational training services.** SSB may provide tuition ~~and~~, supplies, maintenance, and transportation to ~~a client~~ an eligible individual for training at an institution of higher learning only if there is evidence that the ~~client~~ eligible individual is capable of completing the required coursework or degree program. Tuition, supplies, maintenance, and transportation paid by SSB for training at a private or non-Minnesota institution of higher learning must not exceed ~~the tuition~~ those amounts charged by Minnesota public colleges, universities, or technical ~~and community~~ colleges offering the same program nearest the eligible individual's residence unless the necessary training is not available to the eligible individual at a public Minnesota institution. ~~When a client attends a non-Minnesota institution, SSB shall not pay more for maintenance and transportation than SSB would otherwise be required to pay in covering these costs for the client's attendance at an institution located in Minnesota unless the necessary training is not available at a Minnesota institution.~~

Proposed Rules

3325.0430 SIMILAR COMPARABLE SERVICES AND BENEFITS; VOCATIONAL REHABILITATION.

Subpart 1. **Scope.** Similar Comparable services and benefits which would contribute toward and not interfere with a client's an eligible individual's vocational rehabilitation must be used if available to a client an eligible individual or members of a client's an eligible individual's family for all rehabilitation services identified in the client's written plan eligible individual's IPE except:

A. diagnostic evaluation services provided for the purpose of determining vocational rehabilitation potential unless provided as part of an extended evaluation assessment for determining eligibility and vocational rehabilitation needs;

B. vocational rehabilitation counseling including information and support services to assist an individual in exercising informed choice;

C. referral services;

D. vocational training services other than tuition and materials for training at institutions of higher learning rehabilitation technology;

E. job placement job-related services; or

F. postemployment services consisting of the services identified in this subpart.

Subp. 2. **Client Eligible individual responsibilities.** ~~A client shall~~ An eligible individual must, with the assistance of the client's eligible individual's vocational rehabilitation counselor, participate in the search for and use of similar comparable services and benefits as follows:

A. Before receiving physical and mental restoration services other than nonprescription low vision aids, ~~a client shall~~ an eligible individual must file a claim or application for coverage with the client's eligible individual's health insurer, if any. If the client eligible individual has no health insurance or if the physical and mental restoration services provided are not covered by the client's eligible individual's health insurance, the ~~client shall~~ eligible individual must apply to a local human services agency for medical assistance under *Minnesota Statutes*, chapter 256B.

B. Before receiving any rehabilitation service other than those identified in subpart 1, items A to F, ~~a client shall~~ an eligible individual must apply or provide evidence of having already applied for any state or federal assistance program for which the client's eligible individual's vocational rehabilitation counselor determines the client eligible individual may be eligible.

C. Before receiving vocational training services in an institution of higher learning, ~~a client shall~~ an eligible individual must apply for educational grants ~~sufficient~~ to cover the costs of tuition, supplies, and living expenses.

D. ~~The application for or use of similar benefits for restoration services or maintenance shall not be required if the application or use would significantly delay the provision of these services to the detriment of the client. If comparable services and benefits exist under any other program, but are not available to the eligible individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's IPE, SSB must provide vocational rehabilitation services until those comparable services and benefits become available.~~

Subp. 3. **Relation to financial need eligibility.** The extent to which similar comparable services and benefits are available to ~~a client~~ an eligible individual must be determined before determining the degree of financial participation required of the client eligible individual under part 3325.0440.

3325.0435 SIMILAR BENEFITS; INDEPENDENT LIVING SERVICES.

Subpart 1. **Scope.** Similar benefits that would contribute toward and not interfere with an eligible individual's independent living rehabilitation must be used if available to an eligible individual or members of an eligible individual's family for all rehabilitation services identified in the eligible individual's ILCSR except:

A. advocacy services;

B. communication center services;

C. diagnostic assessment for determining eligibility and independent living rehabilitation needs; and

D. referral services.

Subp. 2. **Eligible individual responsibilities.** An eligible individual must, with the assistance of an SSB direct service staff, participate in the search for and use of similar benefits as follows:

A. Before receiving any independent living rehabilitation services other than those identified in subpart 1, items A to D, an eligible individual must apply or provide evidence of having already applied for any state or federal assistance program for which the eligible individual's SSB direct service staff determines the eligible individual may be eligible.

B. The application for or use of similar benefits must not be required if the application for or use of similar benefits would significantly delay the provision of these services to the detriment of the eligible individual.

3325.0440 FINANCIAL PARTICIPATION BY CLIENTS ELIGIBLE INDIVIDUALS IN THE VOCATIONAL REHABILITATION PROGRAM.

Subpart 1. **Services exempted from financial participation.** Regardless of a client's an eligible individual's income, SSB ~~shall~~ must not require ~~client~~ eligible individual financial participation for the following services:

A. ~~diagnostic evaluation assessment~~ services except those services provided under an extended evaluation or trial work experience which are not diagnostic in nature;

B. vocational rehabilitation counseling and other adjustment to blindness services;

C. job placement job-related services;

D. referral services;

E. interpreter and note-taking services ~~for the deaf-blind~~;

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

H. maintenance or transportation services needed by a ~~client~~ an eligible individual to obtain adjustment to blindness services;

I. reader services;

J. ~~telecommunications, sensory, and other technological aids and devices~~ rehabilitation technology, other than ~~those technology~~ which can be classified as low vision aids, up to a cumulative value of \$3,000; and

K. postemployment services consisting of the services identified in this subpart.

Subp. 2. **Services subject to financial participation.** An applicant or ~~client~~ eligible individual may be required to participate in paying the cost of all rehabilitation services not exempted from financial participation under subpart 1.

Subp. 3. **Basis for determining the degree of financial participation required.** The degree of financial participation required of a ~~client~~ an eligible individual is determined on the basis of the ~~client's~~ eligible individual's monthly and annual family income in relation to the most recent estimate of Minnesota median income levels as adjusted for family size using the adjustment methodology specified in the *Code of Federal Regulations*, title 45, section 96.85. This estimate is published annually by the United States Department of Health and Human Services in the *Federal Register*. The applicable sections of the *Federal Register* are incorporated by reference.

Subp. 4. **No required financial participation.** The following eligible individuals are exempt from financial participation:

A. A ~~client~~ an eligible individual whose monthly family income is equal to or less than the state median monthly income as adjusted for family size ~~is not required to pay any portion of the cost of the rehabilitation services which the client receives.;~~

B. an eligible individual who has been determined eligible for Social Security benefits based on the individual's own disability under Title II or XVI of the Social Security Act consistent with *Code of Federal Regulations*, title 34, section 361.54(b)(3)(ii); or

C. an eligible individual who had been determined eligible for an individual or family means-tested public assistance program of the Department of Human Services.

Proposed Rules

Subp. 5. **Financial participation required.** ~~A client~~ An eligible individual whose monthly family income is more than the state median monthly income as adjusted for family size ~~shall~~ must pay for rehabilitation services provided under the ~~client's written plan~~ eligible individual's IPE an amount equal to the percentage by which the ~~client's eligible individual's~~ eligible individual's family income exceeds the adjusted median income. Example: If ~~a client's an eligible individual's~~ an eligible individual's monthly family income exceeds the state median monthly income adjusted for the ~~client's eligible individual's~~ eligible individual's family size by ten percent, the ~~client shall~~ eligible individual must pay ten percent of the cost of rehabilitation services provided under the ~~client's written plan~~ eligible individual's IPE; SSB would pay 90 percent.

Subp. 6. **Limitation on financial participation.** Financial participation by ~~a client~~ an eligible individual in any month shall not exceed ten percent of the ~~client's eligible individual's~~ eligible individual's monthly family income as most recently determined by SSB or the difference between the ~~client's eligible individual's~~ eligible individual's monthly family income and the state median monthly income adjusted for the ~~client's eligible individual's~~ eligible individual's family size, whichever is less.

Subp. 7. **Variance.** ~~A client~~ An eligible individual who is unable to pay for rehabilitation services to the extent required by subparts 4 and 5 because of unusual financial circumstances may apply to the director for a variance in the determination of the ~~client's~~ eligible individual's required financial need participation as follows:

A. A request for a variance must be submitted in writing by the ~~client~~ eligible individual or the ~~client's~~ eligible individual's legal representative. The request must provide the director with evidence describing the ~~client's eligible individual's~~ eligible individual's unusual financial situation. If additional information is required by the director to determine eligibility for a variance, SSB ~~shall~~ must, within 15 calendar days after receiving the written request, inform the ~~client~~ eligible individual in writing of the specific additional information required.

B. The director ~~shall~~ must determine whether the ~~client~~ eligible individual is eligible for a variance and notify the ~~client~~ eligible individual of the determination in writing within 30 calendar days after the director receives all the information required under item A. The written notification must:

(1) specify whether the ~~client~~ eligible individual is eligible for a variance;

[For text of subitems (2) and (3), see M.R.]

(4) inform the ~~client~~ eligible individual of review and appeal rights under ~~parts 3325.0480 and 3325.0490~~ part 3325.0478; and

(5) be signed and dated by the director.

C. The director ~~shall~~ must grant a variance only if the ~~client~~ eligible individual demonstrates that it would be impossible for the ~~client~~ eligible individual to make the cost contributions required under subparts 5 and 6 without using the ~~client's~~ eligible individual's savings because of:

(1) court ordered financial obligations of the ~~client~~ eligible individual;

(2) legal financial obligations incurred by the ~~client~~ eligible individual prior to being found eligible to receive rehabilitation services from SSB; or

(3) extraordinary expenditures for necessities such as food, shelter, clothing, or medical care the ~~client~~ eligible individual is required to make because of illness or disability.

D. The director ~~shall~~ must determine the amount of ~~a client's an eligible individual's~~ an eligible individual's variance by:

(1) calculating the sum of the ~~client's eligible individual's~~ eligible individual's financial obligations and extraordinary expenditures identified in item C which make it impossible for the ~~client~~ eligible individual to make the cost contributions required under subparts 5 and 6; and

(2) subtracting that sum from the financial participation amount the ~~client~~ eligible individual would have to pay without the variance.

E. ~~A client~~ An eligible individual who receives a variance ~~shall~~ must immediately notify the director in writing if the ~~client's~~ eligible individual's financial situation improves.

F. The director may review the financial situation of ~~a client~~ an eligible individual who receives a variance at any time to determine whether the ~~client's~~ eligible individual's financial situation continues to justify the variance.

Proposed Rules

Subp. 8. **Income verification.** If a client's written an eligible individual's employment plan includes or is expected to include rehabilitation services other than those identified in subpart 1, the client eligible individual must provide SSB with written verification or a signed written statement of the client's current monthly eligible individual's most recent annual family income and sources of income.

Subp. 9. **Annual redetermination.** SSB ~~shall~~ must redetermine at least annually, the financial need of each client and of each former client who is still making lease payments on equipment under part 3325.0460 eligible individual.

Subp. 10. **One source payments; conditions and reimbursement.** If purchasing services for an eligible individual who is subject to financial participation from a vendor that requires payment from one source (e.g., any Visa purchase) SSB must authorize for the full amount after first receiving the eligible individual's required financial participation.

3325.0445 FINANCIAL PARTICIPATION BY ELIGIBLE INDIVIDUALS IN THE INDEPENDENT LIVING PROGRAM.

Subpart 1. **Services exempted from financial participation.** Regardless of an eligible individual's income, SSB must not require eligible individual financial participation for the following services:

A. blindness services that consist of independent living counseling, rehabilitation teaching services, and orientation and mobility services;

B. advocacy services;

C. communication center services;

D. diagnostic assessment services;

E. interpreter services;

F. low vision services with the following limitations:

(1) only up to a limit of \$300 per period of eligibility for each spectacle-mounted low vision aid with at least a +4.00 diopter add;
and

(2) SSB must not purchase electronic magnification systems for individuals;

G. maintenance;

H. referral services;

I. services to family members identified in part 3325.0110, up to a limit of \$300 per period of eligibility;

J. rehabilitation technology with the following limitations:

(1) only up to \$100 per period of eligibility for each nonelectronic technology device;

(2) only up to \$1,000 total per period of eligibility for adaptive software;

(3) only up to ten hours of training, excluding travel time, per period of eligibility for keyboarding, computer literacy, and use of computerized aids or devices; and

(4) SSB must not purchase computers, related accessories, or other computerized aids and devices; and

K. transportation services.

Subp. 2. **Services subject to financial participation.** An eligible individual must participate in paying the cost of all rehabilitation services not exempted from financial participation under subpart 1.

Subp. 3. **Basis for determining the degree of financial participation required.** The degree of financial participation required of an eligible individual is 100 percent of all costs in excess of those exempted. All eligible individuals in the independent living program are

Proposed Rules

subject to this part, and no variances shall be granted.

3325.0450 RECOVERY OF MONETARY ASSISTANCE OVERPAYMENTS.

Subpart 1. **Written notification.** SSB ~~shall~~ must notify ~~a client~~ an eligible individual in writing as soon as possible after discovering that the ~~client~~ eligible individual has received monetary assistance from SSB in excess of that to which the ~~client~~ eligible individual is entitled under parts 3325.0100 to ~~3325.0490~~ 3325.0478. The written notification must:

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

C. inform the ~~client~~ eligible individual of appeal rights under ~~parts 3325.0480 and 3325.0490~~ part 3325.0478;

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

E. be signed and dated by the ~~client's rehabilitation counselor~~ eligible individual's appropriate SSB staff person.

Subp. 2. **Repayments.** Overpayments of maintenance benefits or other monetary assistance caused by ~~client or the eligible individual~~, SSB error, or by ~~a client's~~ an eligible individual's inability or refusal to continue implementing ~~a written plan~~ an IPE or ILCSR must be repaid by the ~~client~~ eligible individual in a lump sum or in monthly payments of not less than ten percent of the incorrect payment or five percent of the ~~client's~~ eligible individual's monthly family income, whichever is less. If the ~~client~~ eligible individual does not repay erroneous overpayments in accordance with this subpart, SSB may exercise its recoupment rights under Minnesota Statutes, section ~~248.091, subdivision 1~~ 248.11.

3325.0460 PROVISION PURCHASE, TRANSFER, AND RECOVERY MAINTENANCE OF EQUIPMENT.

Subpart 1. **Scope.** For purposes of this part, the term "equipment" includes occupational equipment, occupational tools, and telecommunications, sensory, and other technological aids and devices ~~provided to a client~~ software, and rehabilitation technology purchased for the permanent use of an eligible individual by SSB as part of ~~the client's written plan~~ an IPE or ILCSR.

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. **Transfer of title.** SSB ~~shall~~ must transfer legal title of equipment leased ~~under this part~~ to a client or former client if the following conditions are satisfied: to an eligible individual when the equipment is purchased for the eligible individual's permanent use. SSB must transfer equipment to former eligible individuals within one year after the effective date of this part.

A: five calendar years have elapsed since the client or former client signed the lease under subpart 2;

B: the client or former client has met the financial obligations under part 3325.0440;

C: the client or former client continues to want and need the equipment for employment; and

D: the client or former client has not requested or received a lease extension under subpart 7.

Subp. 7. [See repealer.]

Subp. 8. **Maintenance responsibility.** SSB ~~shall~~ be responsible for regular maintenance and repair of equipment leased ~~under this part~~ unless title to the equipment has been transferred to the client or other party under subpart 6. SSB must include, as part of the purchase of equipment, an initial maintenance or service agreement, or extended warranty, if available. SSB may forego such inclusion if the eligible individual expressly and unequivocally objects to it at time of purchase. Upon transfer of title, it is the sole responsibility of the eligible individual to maintain and repair the equipment.

Subp. 9. **Employer responsibility.** SSB ~~shall~~ must not provide an employed ~~client~~ eligible individual with equipment that the ~~client's~~ eligible individual's employer normally provides to employees. If the equipment is not normally provided by the employer, SSB ~~shall~~ or

Proposed Rules

~~the eligible individual may ask the client's employer to pay all or a portion of the cost of equipment needed by the client. SSB and the client shall eligible individual, subject to financial participation requirements in part 3325.0440, must contribute toward the cost of equipment only to the extent the client's eligible individual's employer refuses to contribute.~~

Subp. 10. ~~[See repealer.]~~

Subp. 11. **Abuse or neglect of equipment.** SSB ~~shall~~ must not provide additional equipment to ~~a client an eligible individual~~ if the ~~client eligible individual~~ has a history of abuse or neglect ~~with respect to of~~ equipment previously provided to the ~~client eligible individual~~ by SSB. History of abuse or neglect means that on two or more occasions equipment provided to ~~a client an eligible individual~~ has sustained, by reason of acts or omissions of the ~~client eligible individual~~, damage beyond that which would result from normal use.

3325.0470 STANDARDS FOR COMMUNITY REHABILITATION FACILITIES PROGRAMS.

Subpart 1. **Written operating agreement.** SSB ~~shall~~ must execute written operating agreements with each community rehabilitation facility program from which SSB purchases rehabilitation services for clients applicants and eligible individuals unless the community rehabilitation program has a current operating agreement with the department or the rehabilitation agency of another state. The agreement must be signed by the director of the facility community rehabilitation program, or the sole proprietor, if an individual, and the director of SSB and must contain, at a minimum, assurances that the facility community rehabilitation program will comply with the standards established in subparts 2 to 8. ~~No rehabilitation facility may be reimbursed for services purchased by SSB unless the facility SSB may only purchase services from a community rehabilitation program that meets the standards established in subparts 2 to 8. Individuals providing rehabilitation services under an operating agreement with SSB are excluded from meeting standards in subparts 3 and 6, item D.~~

Subp. 2. **Applicable state and federal laws.** Community rehabilitation facilities programs must comply with all applicable state and federal laws, including the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13. Applicant and eligible individual records must be stored under lock with reasonable protection against fire, water damage, and other hazards.

Subp. 3. **Representation and employment of the blind.** The governing bodies of community rehabilitation facilities programs for the blind and visually ~~disabled~~ impaired must include blind or visually ~~disabled~~ impaired persons. ~~Facilities shall~~ Community rehabilitation programs must make and document affirmative attempts to employ blind persons, including blind persons with additional impairments such as combined vision and hearing loss, at all levels of employment.

Subp. 4. **Evaluation of facility community rehabilitation program effectiveness.** Facilities Community rehabilitation programs must have systematic procedures for evaluating program effectiveness. Facility Community rehabilitation program staff shall must periodically review aggregate data on the progress and outcome of clients eligible individuals served. The results of effectiveness evaluations must be available to the governing body and staff of the facility, facility staff community rehabilitation program, SSB, and the public.

Subp. 5. ~~[See repealer.]~~

Subp. 6. **Curriculum for Adjustment to blindness training services.** ~~Facilities Community rehabilitation programs and individuals who provide training services for the blind and visually disabled impaired must have educational curriculums for the provision of adjustment to blindness services which comply with the requirements of items A to E.~~

A. ~~The curriculum services must include a class or activities designed to help clients eligible individuals develop a positive attitude toward blindness. If the facility community rehabilitation program serves deaf-blind clients deafblind eligible individuals, the facility's curriculum community rehabilitation program's services must include a class or session activities designed to develop a positive attitude about being both blind and deaf.~~

B. ~~Low vision and adjustment to blindness services must be provided in accordance with the requirements established in part 3325.0420, subparts 5, items A and B; 8, items B and C; and 11, items B and C.~~

C. ~~Consistent with a client's written plan, an eligible individual's IPE or ILCSR, all clients eligible individuals must be provided with the opportunity to engage in a wide range of activities for the purpose of building self-confidence and overcoming doubts and fears concerning what blind persons can do, or what deafblind persons can do, if applicable.~~

D. ~~During training, all clients eligible individuals must be provided with the opportunity to interact with employed or otherwise independent blind persons, or deafblind persons if applicable, who are not in need of rehabilitation services.~~

Proposed Rules

E. The curriculum services must include a requirement that clients eligible individuals use the alternative technique skills they are learning outside of the facility and training setting to manage their own lives in areas of cooking, shopping, financial matters, housekeeping, and upkeep of clothing the activities of daily living and use of rehabilitation technology.

Subp. 7. **Progress reports.** Facilities Community rehabilitation programs must provide SSB with timely written reports each month as required by SSB concerning the progress of clients eligible individuals in the development of self-confidence and, the performance of self-care activities of daily living, and the use of rehabilitation technology, if applicable.

Subp. 8. **Location of community rehabilitation facilities programs.** SSB shall not may purchase services from a facility community rehabilitation program located outside the state of Minnesota unless only if:

A. the client eligible individual needs rehabilitation services which are not available at community rehabilitation facilities programs within Minnesota;

B. the client's eligible individual's residence is geographically closer to a facility community rehabilitation program outside Minnesota than it is to any facility community rehabilitation program within Minnesota; or

C. the client eligible individual expressly indicates that adjustment to blindness training is wanted at a facility community rehabilitation program outside the state. If a client an eligible individual obtains training at a non-Minnesota facility community rehabilitation program under this item, SSB shall must not pay more for the client's eligible individual's training, maintenance, and transportation than it would otherwise pay for the client's eligible individual's training, maintenance, and transportation at the facility community rehabilitation program located in Minnesota which would be the least costly for the client eligible individual to attend.

3325.0478 REVIEW AND MEDIATION OF DETERMINATIONS.

Subpart 1. **Written request.** An appellant may make a written request for review and mediation to the director if dissatisfied with any determination that affects the provision of rehabilitation services. To preserve the appellant's right to a review and mediation, the request must be received by the director no more than 60 calendar days after the appellant is notified of the action for which the review is requested. The appellant must identify the determination with which the appellant is dissatisfied. SSB must not institute a suspension, reduction, or termination of rehabilitation services being provided to an appellant until completion of the review process unless the appellant requests a suspension, reduction, or termination, or if SSB has evidence that the services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the appellant.

Subp. 2. **Review and mediation options.** SSB must contact the appellant within five calendar days following receipt of the request and explain review and mediation options. SSB must also provide the appellant a description of services available from and information on how to contact the client assistance program, established under Code of Federal Regulations, title 34, section 370, to assist the appellant in the review of determinations. An appellant may request one or more of the following options: informal review, mediation, or impartial hearing. If the appellant is dissatisfied with the results of an informal review or mediation, or chooses an impartial hearing initially, an impartial hearing must commence within 60 calendar days of the request in subpart 1 unless the parties agree to a specific extension of time.

Subp. 3. **Communication.** If the appellant is disabled in communication, then SSB must appoint an interpreter, consistent with Minnesota Statutes, sections 546.42 to 546.44. Review and mediation process information, decisions and reports, agreements if applicable, and any required supporting documentation resulting from a request under subpart 1 must be provided to the appellant in writing. Consistent with the informed choice of the appellant, review and mediation proceedings and related communication must be provided in the native language of the appellant, supplemented as necessary by other appropriate modes of communication including the use of auxiliary aids and services.

Subp. 4. **Informal review.** An appellant may request an informal review. An informal review must not be used to deny the right of an appellant to pursue mediation or an impartial hearing.

A. Participation in the informal review is voluntary on the part of the appellant and on the part of SSB. The appellant or SSB may terminate the informal review at any time. In the event an informal review is terminated, the appellant or SSB may pursue resolution through mediation or an impartial hearing.

B. The informal review must be conducted by supervisory staff not involved in the original determination that caused the appellant to ask for a review. An appellant may choose:

Proposed Rules

(1) an informal review of written materials only. Supervisory staff conducting the review must consider all written evidence presented from the time the request for informal review is received until the final decision is made; or

(2) an informal review of written materials with a review conference. Supervisory staff conducting the informal review must consider all written and oral evidence presented from the time the request for review is received until the final decision is made.

C. The final decision regarding the informal review must be made by the reviewing supervisory staff either within ten calendar days following the request for an informal review of written materials only, or within ten calendar days following the conclusion of an informal review conference, unless the parties agree to a specific extension of time. The supervisory staff conducting the informal review must notify the appellant in writing by mail of the informal review decision. The informal review decision must contain a summary of the nature and basis of the decision and the appellant's review rights under this part.

Subp. 5. Mediation. An appellant may request mediation at any time. Mediation must not be used to deny the right of an appellant to pursue an impartial hearing.

A. Participation in the mediation process is voluntary on the part of the appellant and on the part of SSB. The appellant, SSB, or mediator may terminate mediation at any time. In the event mediation is terminated, the appellant or SSB may pursue resolution through an impartial hearing.

B. A qualified and impartial mediator who meets the requirements of *Code of Federal Regulations*, title 34, section 361.5(b)(43), must be chosen on a random basis, by mutual agreement of the director of SSB and the appellant or, as appropriate, the appellant's designated representative, or in accordance with SSB's procedure for assigning mediators in a neutral manner. Mediation sessions must be held in a timely manner and at a location convenient to both parties.

C. Mediation discussions are confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings, and the parties may be required to sign a confidentiality pledge prior to the commencement of mediation. Any agreement resulting from mediation must be in writing with the assistance of the mediator, signed by both parties, and copies provided to both parties. SSB must pay for the cost of mediation, but is not required to pay for any costs related to the representation of an appellant.

Subp. 6. Impartial hearing. An appellant may choose an impartial hearing.

A. The impartial hearing officer for a particular case must be selected on a random basis from a list of qualified impartial hearing officers who have been jointly identified by SSB and the State Rehabilitation Council for the Blind.

B. The hearing must be initiated and conducted according to parts 1400.5100 to 1400.8400; Minnesota Statutes, sections 14.57 to 14.62; and *Code of Federal Regulations*, title 34, part 361.57(e).

C. The impartial hearing officer must provide by mail to both parties a full written report of the findings and grounds for the decision within 30 calendar days of the completion of the hearing. The impartial hearing officer's decision is final unless a review is requested under item D.

D. An appellant may request a review of the impartial hearing officer's decision using the following process:

(1) A party who is dissatisfied with the impartial hearing officer's decision may request a review of the decision within 20 calendar days of the mailing of the impartial hearing officer's decision. The review must be conducted by the commissioner of employment and economic development, who may not delegate the review to any employee of SSB.

(2) The commissioner must provide both parties with an opportunity to submit additional evidence and information relevant to a final decision concerning the matter under review.

(3) The commissioner may not overturn or modify the impartial hearing officer's decision, or any part of the decision, that supports the position of the appellant unless the commissioner concludes, based on clear and convincing evidence, that the decision of the impartial hearing officer is clearly erroneous on the basis of being contrary to the approved state plan, federal law and regulations, or state rules and policies that are consistent with federal requirements.

(4) The commissioner must make an independent, final decision within 30 calendar days of the request after reviewing the entire hearing record and provide the decision in writing, including a full report of the findings and the statutory, regulatory, or policy grounds for

Proposed Rules

the decision to both parties.

(5) The commissioner's decision is final unless either party disagrees and brings a civil action, in which case the commissioner's decision must be implemented pending review by the court.

(6) Any party dissatisfied with the commissioner's decision after reviewing the impartial hearing officer's decision may bring a civil action with respect to the matter in dispute.

REPEALER. (a) Minnesota Rules, parts 3325.0100, subpart 4; 3325.0110, subparts 8, 9, 18, 19, 23, 24, 25, 32, 34, 42, 43, 48, 52, 56, 57, 61, 62, 63, 64, 68, 69, 70, 71, 73, 74, 75, 79, 82, 85, 86, 89, and 90; 3325.0140, subparts 4, 5, 6, and 7; 3325.0150, subpart 4; 3325.0160; 3325.0170; 3325.0220, subpart 6; 3325.0280; 3325.0290; 3325.0300; 3325.0310; 3325.0320; 3325.0330; 3325.0340; 3325.0350; 3325.0360; 3325.0370; 3325.0380; 3325.0390; 3325.0400; 3325.0410; 3325.0420, subparts 6 and 9; 3325.0460, subparts 2, 3, 4, 5, 7, and 10; 3325.0470, subpart 5; 3325.0480; and 3325.0490, are repealed. (b) Minnesota Rules, part 3325.0440, subpart 6, is repealed effective July 1, 2011, effective for all individualized plans for employment, including those in effect on that date.

Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited emergency rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Expedited emergency rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain emergency conditions.

Expedited emergency rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited emergency rules detail the agency's rulemaking authority.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Department of Natural Resources (DNR)

Adopted Expedited Emergency Game and Fish Rules: 2011 Bear Season and Permit Procedures

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of the rule is *Minnesota Statutes*, sections 97B.405, 97B.411 and 97B.431.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are that population and harvest data needed prior to setting quotas is not available until February. Quotas are necessary so that harvests and populations can

Expedited Emergency Rules

be managed at sustainable levels. Changes to bear permit procedures are at the request of hunters and set a purchase deadline for those hunters who were successful in the license lottery. Un-purchased bear licenses may be re-sold first to hunters who were not successful in the license lottery and then to others who may not have applied in the lottery.

Dated: March 9, 2011

Tom Landwehr, Commissioner
Department of Natural Resources

6232.2900 BEAR PERMIT PROCEDURES.

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

Subp. 2. **Drawings.** Drawings will be conducted by the department to determine those eligible to purchase a bear license within the bear quota areas. An applicant must select a first choice of bear quota area and may select a second choice of bear quota area. Preference in the drawings will be given to applicants based upon the number of times they have correctly applied for a license in a quota area in previous years but have not been selected or the number of times they have correctly applied in the preference only area in previous years but have not been selected. Upon issuance of a quota area license, all accumulated preference will be lost. Obtaining a no-quota bear license will have no effect upon eligibility or preference in the drawings. In quota areas with fewer applicants than available licenses, or licenses not purchased as described in subpart 9, the remaining available licenses may be first offered to unsuccessful applicants for other quota areas on a first-come, first-served basis beginning at 12:00 p.m. on the first ~~Monday in August~~ Wednesday following the deadline in subpart 9. To obtain a remaining available license, an eligible person must apply individually and in person at an electronic license system agent location or individually through the ELS-Internet or ELS-Telephone system. Any remaining available licenses not purchased by unsuccessful applicants may then be issued to any eligible person as prescribed by the commissioner on a first-come, first-served basis beginning at 12:00 p.m. on the second ~~Monday in August~~ Wednesday following the deadline in subpart 9. Individuals who purchase these remaining available licenses will retain their accumulated preference.

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

Subp. 9. **Successful bear hunt applicant deadline to purchase license.** A person selected through the bear permit drawing must purchase a license by the Friday nearest July 31. Any licenses not purchased by the deadline shall be issued following the drawing procedures in subpart 2.

6232.3055 BEAR LICENSE QUOTAS.

The number of available licenses for quota areas for the 2011 bear hunting season is 7,050 and is divided as follows:

A. Bear Quota Area 12: 350;

B. Bear Quota Area 13: 450;

C. Bear Quota Area 22: 100;

D. Bear Quota Area 24: 350;

E. Bear Quota Area 25: 900;

F. Bear Quota Area 26: 650;

G. Bear Quota Area 31: 1,000;

H. Bear Quota Area 41: 300;

I. Bear Quota Area 44: 850;

J. Bear Quota Area 45: 250; and

K. Bear Quota Area 51: 1,850.

EFFECTIVE PERIOD. The expedited emergency amendments to *Minnesota Rules*, part 6232.2900, expire December 31, 2011. After the

Expedited Emergency Rules

emergency amendments to *Minnesota Rules*, part 6232.2900, expire, the permanent rule as it read prior to the amendments again takes effect, except as it may be amended by permanent rule. *Minnesota Rules*, part 6232.3055, expires December 31, 2011.

Department of Natural Resources (DNR) Adopted Expedited Emergency Game and Fish Rules: 2011 Moose Season Quotas

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of the rule is *Minnesota Statutes*, sections 97B.505.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are that population and harvest data needed prior to setting quotas and bag limits for moose are not available until late February. Quota numbers and bag limits are necessary so that harvests and populations can be managed and to allow applicants to evaluate where they want to apply.

Dated: March 9, 2011

Tom Landwehr, Commissioner
Department of Natural Resources

6232.3700 GENERAL REGULATIONS FOR TAKING MOOSE.

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

Subp. 9. **Bag limit.** The bag limit of moose is one ~~of any age or sex~~ antlered moose per licensed party of hunters. Only one moose may be taken by a party.

6232.3855 QUOTAS FOR TAKING MOOSE.

The number of available licenses for the 2011 moose hunting season is 105. Licenses are distributed by zone as follows:

A. Moose Zone 20: 4;

B. Moose Zone 21: 3;

C. Moose Zone 22: 2;

D. Moose Zone 23: 1;

E. Moose Zone 24: 2;

F. Moose Zone 25: 2;

G. Moose Zone 26: 2;

H. Moose Zone 27: 4;

I. Moose Zone 28: 2;

J. Moose Zone 29: 4;

K. Moose Zone 30: 5;

L. Moose Zone 31: 6;

M. Moose Zone 32: 4;

N. Moose Zone 33: 2;

Expedited Emergency Rules

O. Moose Zone 34: 2;

P. Moose Zone 36: 5;

Q. Moose Zone 37: 2;

R. Moose Zone 60: 3;

S. Moose Zone 61: 5;

T. Moose Zone 62: 10;

U. Moose Zone 63: 4;

V. Moose Zone 64: 8;

W. Moose Zone 70: 4;

X. Moose Zone 72: 4;

Y. Moose Zone 73: 2;

Z. Moose Zone 74: 2;

AA. Moose Zone 76: 3;

BB. Moose Zone 77: 2;

CC. Moose Zone 79: 2; and

DD. Moose Zone 80: 4.

EFFECTIVE PERIOD. The expedited emergency amendment to *Minnesota Rules*, part 6232.3700, expires December 31, 2011. After the emergency amendment expires, the permanent rule as it read prior to the amendment again takes effect, except as it may be amended by permanent rule. *Minnesota Rules*, part 6232.3855, expires December 31, 2011.

Executive Orders

The governor has the authority to issue written statements or orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* § 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

Office of the Governor

Executive Order # 11-05: Creating the Early Learning Council

I, MARK DAYTON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

WHEREAS, making sure that every child arrives at kindergarten ready to learn is a priority of this administration; and

WHEREAS, making affordable, quality early childhood education and care available to all children is a priority of this administration; and

WHEREAS, quality early education, all day kindergarten, and reading by grade three are all proven strategies to help close the achievement gap so that all students in Minnesota have full opportunities to succeed; and

WHEREAS, there is a need to identify opportunities for, and address barriers to, the coordination of federal and state early childhood policies and procedures that impact the well-being of Minnesota's youngest children; and

WHEREAS; under the federal Improving Head Start for School Readiness Act of 2007, Public Law 110-134, the Governor must either designate or establish a state advisory council on early childhood education and care; and

WHEREAS, on September 25, 2008, Executive Order 08-14 created the State Advisory Council on Early Childhood Education and Care; and

WHEREAS, *Minnesota Statutes*, section 124D.141, enacted in 2008, added members and duties to the State Advisory Council on Early Childhood Education and Care and gave other directions to the advisory council, but did not codify the council in statute; and

WHEREAS, on August 16, 2010, Executive Order 10-11 extended Executive Order 08-14 until 90 days after Governor Tim Pawlenty left office;

NOW, THEREFORE, under *Minnesota Statutes*, section 15.0593, I hereby create the Early Learning Council to serve as the state advisory council on early childhood education and care under Public Law 110-134 and *Minnesota Statutes*, section 124D.141.

1. The council consists of up to 30 members, 26 of whom are appointed by and serve at the pleasure of the Governor.
2. The following individuals are members of the council:
 - a. Commissioner of Human Services or a designee;
 - b. Commissioner of Health or a designee;
 - c. Commissioner of Education or a designee; and
 - d. The Head Start State Collaboration Director.
3. The Governor will appoint up to 22 additional members, including individuals with the following expertise, affiliations, or backgrounds:
 - a. Representatives of local government groups;
 - b. Representatives of local school districts;
 - c. Individuals with Head Start expertise;
 - d. Providers of early childhood supports and services;

- e. Representatives of higher education;
 - f. Individuals whose families receive early childhood supports or services;
 - g. Individuals from non-profits involved in early childhood issues;
 - h. Members of the business community; and
 - i. Representatives of the philanthropic community.
4. Four members of the Legislature, as provided in Minnesota Statutes, section 124D.141, will serve as members of the council.
 5. Any compensation of legislative members will be from money appropriated to the Legislature and governed by the rules of the Legislature. The Legislature will determine the term of members appointed by the Legislature.
 6. The Governor will appoint one member to serve as the chair of the council.
 7. The council shall advise the Children's Cabinet and the Governor's Office on policy and resource development priorities and will suggest options.
 8. The Commissioner of Education will provide general administrative and technical support to the council.
 9. The council will make its meetings open to the public and provide an opportunity for public comment.
 10. Any money made available to administer the council may be used to reimburse expenses of parent members on the council and for technical assistance and administrative support of the council.
 11. The council may pursue additional funding from state, federal or private sources.
 12. Executive Order 10-11 is rescinded.

Under *Minnesota Statutes*, section 4.035, subdivision 2, this Executive Order is effective 15 days after publication in the *State Register* and filing with the Secretary of State and remains in effect until 90 days after I leave office, unless superseded by law or executive order.

IN TESTIMONY WHEREOF, I have set my hand on March 17, 2011.

Signed: **Mark Dayton**
Governor

Filed According to Law:

Signed: **Mark Ritchie**
Secretary of State

Office of the Governor

Executive Order 11-06: Creating Public Disclosure for Minnesota's Managed Care Health Care Programs

I, **MARK DAYTON, GOVERNOR OF THE STATE OF MINNESOTA**, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

WHEREAS, over 500,000 Minnesotans receiving public health insurance coverage are enrolled in managed care; and

WHEREAS, the State spends approximately \$3 billion annually on purchasing health care from managed care plans for state public programs; and

Executive Orders

WHEREAS, it is critical for public trust that Minnesota's taxpayers understand how public dollars for health care are being used; and

WHEREAS, the State needs greater disclosure and accountability of managed care plan spending on health care and long-term care services and administrative expenses for state public programs;

NOW, THEREFORE, I hereby order the Commissioner of Human Services to:

1. Establish a managed care website for all publicly available information and reports that relate to the managed care procurement, financials, health outcome performance measures, contracts, and other public information for state public programs.

2. Develop an annual comprehensive managed care report in consultation with the Commissioners of Health and Commerce that includes detailed information on administrative expenses, premium revenues, provider payments and reimbursement rates, contributions to reserves, enrollee quality measures, service costs and utilization, enrollee access to services, capitation rate-setting and risk adjustment methods, and managed care procurement and contracting processes.

3. Submit data from the managed care plans for state public programs to the Commissioner of Commerce so that regular financial audits of data will be conducted.

Under *Minnesota Statutes*, section 4.035, subdivision 2, this Executive Order is effective 15 days after publication in the *State Register* and filing with the Secretary of State.

IN TESTIMONY WHEREOF, I have set my hand on March 23, 2011.

Signed: **Mark Dayton**
Governor

Filed According to Law:

Signed: **Mark Ritchie**
Secretary of State

Official Notices

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

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

Meetings, Notices, Comments Sought

The Official Notices section gives you a “heads up” on important state meetings and announcements. The *State Register* reaches a huge audience of interested “eyes” every week. Remember to publish your notices here - it only costs \$13.60 per 1/10 of a page used in the *State Register* - it’s the least expensive legal advertising in the state.

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Minnesota Comprehensive Health Association (MCHA) Notice of Meetings of the Actuarial Committee March 30, 2011

NOTICE IS HEREBY GIVEN that meetings of the Minnesota Comprehensive Health Association’s (MCHA) Actuarial Committee will take place at 9:00 a.m., Wednesday, March 30, 2011 at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park.

For additional information, please call Peggy Zimmerman-Belbeck at (952) 593-9609.

Minnesota Department of Human Services (DHS) Health Services and Medical Management Division Notice of Request for Information about Health Care Delivery Systems Demonstration Project

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting comments regarding the demonstration project to test alternative and innovative health care delivery systems serving Minnesota Health Care Programs (MHCP) populations.

For more information, or to obtain a copy of the Request for Information, contact:

Ross Owen
Minnesota Department of Human Services
Health Care Administration
E-mail: ross.owen@state.mn.us

This is the only person designated to answer questions by potential responders regarding this request.

Official Notices

Proposals submitted in response to this Request for Information must be received at the address above no later than **5:00 p.m., Central Daylight Time, April 15, 2011**. **Late proposals will NOT be considered**. Faxed or mailed proposals will **NOT** be considered, proposals must be e-mailed.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota Department of Labor and Industry (DLI) Labor Standards Unit Notice of Correction to Commercial Prevailing Wage Rates Certified February 22, 2011

Corrections have been made to the Commercial Prevailing Wage Rates certified 02/22/11, for **Labor Code 101**, Laborer, Common in Murray and Traverse Counties.

Labor Code 102, Laborer, Skilled in Murray and Traverse Counties.

Labor Code 108, Tunnel Miner in Goodhue and Rice Counties.

Labor Code 109, Underground and Open Ditch Laborer in Blue Earth, McLeod, Murray, Nicollet, Rice, Sibley, and Waseca Counties.

Labor Code 707, Electricians in Benton, Carver, Chippewa, Hennepin, Lac Qui Parle, McLeod, Pope, Scott, Stevens, and Wright Counties.

Copies with the corrected certified wage rate for these Counties may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, or by calling (651) 284-5091, or accessing our web site at www.dli.mn.gov. Charges for the cost of copying and mailing are \$.25 per page for the first 100 pages, \$.65 per page after that. Make check or money order payable to the State of Minnesota.

Ken B. Peterson, Commissioner
Department of Labor and Industry

Minnesota Department of Public Safety (DPS) Driver and Vehicle Services Division Request for Comments on Possible Amendments to Rules Governing School Bus Driver Qualifications, *Minnesota Rules*, Chapters 7414, and Possible New Rules Governing Commercial Driver's License Medical Qualification and Certification

Subject of Rule. The Minnesota Department of Public Safety requests comments on its possible amendments to the rules governing school bus drivers and possible new rules governing commercial driver's license holders. In order to comply with federal regulations, the department is considering amendments that would establish procedures for the department to collect and record driver's self-certification data and medical certificates or waivers from persons holding commercial driver's licenses, and establish procedures for the downgrade of commercial driver's licenses.

Persons Affected. The possible amendment to the rule would likely affect commercial driver's license holders, school bus drivers,

motor carriers, commercial driver's license training schools, and law enforcement.

Statutory Authority. *Minnesota Statutes*, sections 171.09, Subd. 1; 171.165, Subd. 5; 171.321, Subd. 2 (a) and (b); 171.3215, Subd. 2 and 4; MS §221.031, Subd. 1 (b); and MS §221.0314, Subd. 3 and 3a, as well as specific authority under *Minnesota Laws 2010*, Chapter 242, section 10, authorize the Commissioner of Public Safety to adopt rules governing required records for commercial driver's license holders, school bus drivers, and the operation of intrastate motor carriers.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that the department intends to adopt or to withdraw the proposed rules. The department does not contemplate appointing an advisory committee to comment on the possible rules.

Rule Draft. The department has not prepared a draft of the possible rule amendment.

Agency Contact Person. Written comments, questions, requests to receive a draft of the rule, and requests for more information on these possible rules should be directed to:

Ms. Jacqueline Cavanagh
Driver and Vehicle Services
445 Minnesota Street, Suite 195
Saint Paul, Minnesota 55105-5195
Phone: (651) 201-7583
E-mail: DVS.Rules@state.mn.us
TTY users may call the department at (651) 282-6555.

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

NOTE: If the department initiates a proceeding to adopt the rules, it will not necessarily include comments received in response to this notice in the formal rulemaking record that is submitted to the administrative law judge. The agency is required to submit to the judge only those written comments received in response to the rule after it is proposed. If you submit comments during the development of the rule and wish to ensure that the administrative law judge reviews them, you must resubmit the comments after the rule is formally proposed.

Dated: March 21, 2011

Ramona L. Dohman, Commissioner
Minnesota Department of Public Safety

Teachers Retirement Association (TRA) Notice of Meeting of the Board of Trustees April 14, 2011

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, April 14, 2011 at 9:30 a.m. in Suite 400, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the Board. Board members may participate by telephone.

Teachers Retirement Association (TRA) Notice of Meeting of the Internal Audit Subcommittee April 13, 2011

The Minnesota Teachers Retirement Association Internal Audit Subcommittee will hold a meeting on Wednesday, April 13, 2011 at 1:00 p.m. in Suite 400, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the committee. Committee members may participate by telephone.

Official Notices

Department of Transportation (Mn/DOT) Engineering Services Division, Office of Construction and Innovative Contracting Notices of Suspension and Debarment

NOTICE OF SUSPENSION

NOTICE IS HEREBY GIVEN that the following vendors are suspended effective December 28, 2009, until final disposition of the hearing or hearing appeal:

Riley Bros. Companies Inc. and its affiliates, Morris MN
Riley Bros. Construction Inc. and its affiliates, Morris MN
Riley Bros. Properties, LLC, and its affiliates, Morris MN
Riley Bros. Utilities, Inc. dba/Chris Riley Utilities, Inc. and its affiliates, Morris MN

NOTICE IS HEREBY GIVEN that the following vendors are suspended effective February 22, 2011, until April 22, 2011:

Philip Joseph Franklin
Franklin Drywall Inc. and its affiliates
Master Drywall Inc. and its affiliates

NOTICE OF DEBARMENT

NOTICE IS HEREBY GIVEN that the following vendors are debarred for a period of three (3) years effective February 24, 2010 until February 24, 2013:

Joseph Edward Riley, Morris, MN
John Thomas Riley, Morris, MN

Minnesota Statutes, Section 161.315, prohibits the Commissioner, counties, towns or home rule or statutory cities from awarding or approving the award of a contract for goods or services to a person who is suspended or debarred; including

- 1) any contract under which a debarred or suspended person will serve as a subcontractor or material supplier,
- 2) any business or affiliate which the debarred or suspended person exercises substantial influence or control, and
- 3) any business or entity which is sold or transferred by a debarred person remains ineligible during the period of the seller's or transfer's debarment.

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Apply for Grants & Loans

The *State Register* is one of the best ways to advertise your grants - it's a required read for public works projects. And it's cost is one of the least expensive legal advertising rates in Minnesota. At \$13.60 per 1/10 of a page you cannot go wrong.

Check up on all the "active" state grants in the "Contracts & Grants" section, available only to *State Register* subscribers. Open the *State Register* and click on Bookmarks on the left. You will also see a list of ALL the current rules, a growing INDEX, and previous years' indices. Subscribers also receive LINKS to the *State Register*. Subscriptions cost \$180 a year (an \$80 savings). Here's what you receive via e-mail:

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Minnesota Department of Health (MDH)

Environmental Health Division

Lead Hazard Control Grant Program

Notice of Intent to Request Release of Funds

Contact Program Manager: Dan Taylor, 651-201-4847

On or about April 6, 2011 the Minnesota Department of Health, Environmental Health Division, Lead Hazard Control Grant Program, will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of Lead-Based Paint Hazard Control Grant Program funds, authorized by Sec. 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992), Public Law 102-550, and funded through the Consolidated Appropriations Act of 2010, Public Law 111-117, for the following multi-year program/project: Minnesota Non-entitlement Areas Lead Hazard Control Grant Program, for the purpose of minor lead hazard reduction-related housing rehabilitation in areas of Minnesota that do not receive a designated Community Development Block Grant (CDBG) program allocation.

The program will provide blood lead testing of children 6 years and under, lead risk assessments, lead hazard remediation, lead clearances, lead hazard related training, healthy homes assessments, healthy homes Intervention, personnel costs, and lead-related education/outreach event costs. A number of the activities will be in cooperation with the Minnesota Department of Employment and Economic Development (DEED), Small Cities Development Program (SCDP). The Minnesota Department of Health is requesting the release of \$1,742,698 of federal assistance from the Lead-Based Paint Hazard Control grant program. MN DEED, Minnesota Department of Health, and other state funds will match these funds with \$2,266,177 and the period of performance of the grant is from March 1, 2011 through February 28, 2014.

The proposed hazard control activities to be funded under this program are categorically excluded from the National Environmental Policy Act requirements, but subject to compliance with some of the environmental laws and authorities listed at § 58.5 of 24 CFR Part 58. In accordance with §58.15, a tiered review process has been structured, whereby some environmental laws and authorities have been reviewed and studied for the intended target area(s) listed above. Other applicable environmental laws and authorities will be complied with, when individual projects are ripe for review. Specifically, the target area has been studied and compliance with the following laws and authorities has been established in this Tier 1 review: Floodplain Management, Coastal Barriers Resource Act, and Coastal Zone Management Act. In the Tiered 2 review, compliance with the following environmental laws and authorities will take place for proposed projects funded under the program listed above: Historic Preservation, National Flood Insurance Program requirements, Explosive & (Cite 35 SR 1503)

State Grants & Loans

Flammable Operations, toxics/hazardous materials. Should individual aggregate projects exceed the threshold for categorical exclusion detailed at §58.35(a), an Environmental Assessment will be completed and a separate Finding of No Significant Impact and Request for Release of Funds published. Copies of the compliance documentation worksheets are available at the address below.

An Environmental Review Record (ERR) that documents the environmental determinations for this project, and more fully describes the tiered review process cited above, is on file at Minnesota Department of Health, Environmental Health Division, Lead Hazard Control Grant Program, 625 Robert Street N, Saint Paul, MN 55155-2536, and may be examined or copied weekdays 9 a.m. to 4 p.m.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the Federal Grants Director, Terrance Smith, at Minnesota Department of Health, Division of Finance and Facilities Management, 625 Robert Street N, Saint Paul, MN 55155-2536. All comments received by April 5, 2011 will be considered by Minnesota Department of Health prior to authorizing submission of a Request for Release of Funds and Environmental Certification to HUD.

RELEASE OF FUNDS

The Minnesota Department of Health certifies to HUD that Terrance Smith in his official capacity as Federal Grants Director consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows the Minnesota Department of Health to utilize federal funds and implement the Program.

OBJECTIONS TO RELEASE OF FUNDS

HUD will consider objections to its release of funds and the Minnesota Department of Health certification for a period of fifteen days following either the anticipated submission date (cited above) or HUD's actual receipt of the request (whichever is later) only if the objections are on one of the following bases: (a) that the Certification was not executed by the Certifying Officer of the Minnesota Department of Health; (b) the Minnesota Department of Health has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the Minnesota Department of Health has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58), and may be addressed to HUD as follows: Karen Griego-West, Office of Healthy Homes and Lead Hazard Control Program Environmental Clearance Officer, U.S. Department of Housing and Urban Development, 611 West 6th Street, Suite 805, Los Angeles, CA 90017. Potential objectors may contact HUD to verify the actual last day of the objection period.

Dated: March 28, 2011

Terrance Smith, Federal Grants Director
Minnesota Department of Health

Minnesota Department of Human Services (DHS)

Children and Family Services

Notice of CORRECTED VERSION of Request for Proposal to Create Data

Collection Tools and Conduct Analysis of Child Care Provider Market Rate Data in Minnesota

The Department of Human Services (Department) is requesting proposals from qualified parties for the purpose of creating data collection tools for the Minnesota Child Care Provider Business Update (Update) and conducting an analysis of child care provider market rate data collected. The Department annually collects Minnesota child care market rate data as a component of the *Update* which also includes questions for licensed child care providers regarding policies, hours of operation, available openings, educational approaches, and for family child providers – training and experience.

The intent of this RFP is to select a contractor to provide the following for a period up to five years;

State Grants & Loans

- develop paper and online data collection tools for the *Update*, based on content provided by the State;
- provide a server to house program files and database associated with online data collection;
- support responders to the online tool and;
- analyze and report on child care market rate survey data generated by all data collection methods.

Through a separate contract with the Minnesota Child Care Resource and Referral Network, paper *Update* data collection and phone contacts are completed and ALL *Update* data is entered into the National Association of Child Care Resource and Referral Agencies database ((NACCRRAware or Nware).

A sub-set of rate related data is aggregated and exported in an electronic format, for analysis by the contractor selected through this RFP process. Currently child care market rate data is exported and analyzed annually. Following potential legislative action, rate data would be exported and analyzed biennially, starting in 2012.

The data collected and analyzed will be used to provide reports on:

- A. Information on the rates charged by providers;
- B. Summary information at the cluster, county, region and state level of analysis using the established methodology for each provider type, rate unit, and age group;
- C. Relationship between current market rates and CCAP maximum rates¹; and
- D. Recommendations for improving the approach to gathering and analyzing and reporting rate survey data.

Anticipated project period is August 1, 2011 through July 31, 2016. The first contract period is anticipated to be August 1, 2011 through July 31, 2012 with continuation based upon continued funding and the state's satisfaction with the vendor's performance.

A Request for Proposal will be available by mail from this office through April 15, 2011. A written request (by direct mail, fax or email) is required to receive the Request for Proposal. After April 15, 2011, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Jan Hielsberg
Transition to Economic Stability
Children and Family Services
Department of Human Services
444 Lafayette Road North
St. Paul, Minnesota 55164
Phone: (651) 431-4028
Fax: (651) 431-7526
E-mail: Janice.hielsberg@state.mn.us

This is the only person designated to answer questions regarding this request for interested vendors.

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 4:00 p.m. on April 29, 2011. **Late proposals will NOT be considered.** Fax or emailed proposals will **NOT** be considered.

This proposal does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

(Footnotes)

1 The selected contractor will also utilize the standard hour child care assistance program maximum subsidy rates currently in place for analysis.

State Grants & Loans

Minnesota Department of Human Services (DHS)

Child Safety and Permanency Division

Notice of Request for Proposals to Qualified Responders to Individual Agencies Alone or in Combination with Other Tribal or Indian Organizations Who Provide a Joint Effort Between the Indian and Non-Indian Community. The Purpose is to Achieve the Goals of the Indian Child Welfare Act and the Minnesota Family Preservation Act. Programs Must Have Input and Support from the Local Indian Community. The Indian Child Welfare Special Focus Grant is funded by Minnesota State Legislature.

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals to provide Family Preservation and Reunification Services in accordance with the federal Indian Child Welfare Act and the Minnesota Indian Family Preservation Act.

Work is proposed to start July 1, 2011. For more information contact:

Attn: Charles Hawkins
Minnesota Department of Human Services
Child Safety and Permanency Division
P.O. Box 64943
444 Lafayette Road North
St. Paul, MN 55164 0943
Phone: (651) 431-4708
Fax: (651) 431-7522
E-mail: *Charles.hawkins@state.mn.us*

This is the only person designated to answer questions by potential responders regarding this request.

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, April 25, 2011. Late proposals will NOT be considered.** Faxed or e-mailed proposals will **NOT** be considered.

The RFP can be obtained by visiting the Minnesota Department of Human Services RFP website:

http://www.dhs.state.mn.us/main/id_000102

This request does not obligate the state to complete the work contemplated in this notice. The state reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

A Responders' conference will be held on **April 5, 2011, 1:30 p.m. – 3:00 p.m. Central Time, room 2177, Minnesota Department of Human Services, 444 Lafayette Road North, St. Paul, Minnesota 55164.** You may attend this conference in person or via a conference call, the process is:

Dial in from your phone:
Internal Callers 1-7200
External Callers (651) 431-7200

State Contracts

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Web site at www.mmd.admin.state.mn.us for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

Requirements: There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements:

- \$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600
- \$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days;
- \$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and
- anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days

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Department of Administration (Admin)

Real Estate & Construction Services

Notice of Request for Qualifications (RFQ) for Construction Manager at Risk for New Emergency Operations Center at the Arden Hills Army Training Site in Arden Hills, MN: RECS Project # 07012AHL

NOTICE IS HEREBY GIVEN that the Department of Administration, Real Estate and Construction Services ("State") has issued a request for qualifications to evaluate and select a Construction Manager at Risk for the New Emergency Operations Center at the Arden Hills Army Training Site in Arden Hills, MN in accordance with *Minnesota Statute* 16C.34.

The scope of this project is to provide the Department of Public Safety (DPS) Homeland Security and Emergency Management (HSEM) with the required spaces to effectively execute and perform all missions in response to Homeland Security and Emergency Management. The project will improve the readiness of the State in Homeland Security and Emergency Management by optimizing the operational flow of the facility while allowing for long term continuous operations in a secure facility that meets requirements Anti Terrorism Force Protection (ATFP).

Detailed tasks and scope of services required for the project are defined and included in the Request for Qualifications (RFQ) located at www.admin.state.mn.us/recs (Click on "Construction Services" and "Solicitations and Announcements"). To be considered for selection and a Contract, responses must be submitted by the date and time indicated in the RFQ.

The State reserves the right to cancel this solicitation if it is considered to be in its best interest. The RFQ is not a guarantee of work and

State Contracts

it does not obligate the State to award any contracts. The State reserves the right to discontinue the use or cancel all or any part of the RFQ if it is determined to be in its best interest. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota State Colleges and Universities (MnSCU) Dakota County Technical College Notice of Request for Proposals for Media Placement Services

NOTICE IS HEREBY GIVEN that Dakota County Technical College will receive proposals for Media Placement Services. Bid documents are available at: <http://www.dctc.edu/go/rfp>.

Sealed bids must be received by 2 p.m. Monday, April 11, 2011, at the following location:

Pat Adams
Dakota County Technical College
1300 145th St. E.
Rosemount, MN 55068

Dakota County Technical College reserves the right to reject any or all proposals and to waive any irregularities or informalities in proposals received. The College further reserves the right to cancel the solicitation if it is considered to be in its best interest.

Minnesota State Colleges and Universities (MnSCU) Facilities Design and Construction Notice of Request for Information (RFI) for Architectural, Owner's Representative, Real Estate and Other Related Professional and Technical Services for a Master List of Consultants

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities ("MnSCU"), requests information of Minnesota registered consultants, as appropriate, to assist MnSCU in providing Architectural/Engineering, Owner Representative, Real Estate and other related Professional and Technical services as needed for up to a one-year period. Projects will vary in scope and may involve due diligence services, new construction, remodeling, commissioning, site and utility work, facilities, roads and grounds, and land development.

The Request for Information documents can be found online at: www.finance.mnscu.edu/facilities/index.html under Announcements. This RFI is to permit a consultant to be added to the current MnSCU Master List of Consultants. The consultants currently on the List do not need to respond to this RFI. The current List can be viewed at:

www.finance.mnscu.edu/facilities/design-construction/pm_emanual/index.html

and click on "#37 - Facilities P/T Consultants Master List".

If unable to access the RFI electronically, copies of the RFI may also be requested from:

Nancy Marandola - Minnesota State Colleges & Universities
Phone: (651) 201-1780
E-mail: Nancy.marandola@so.mnscu.edu

Proposals must be delivered to:

Minnesota State Colleges & Universities
ATTN: Facilities Design and Construction
Wells Fargo Place
30 Seventh Street East, Suite 350

St. Paul, Minnesota 55101-7804

Proposals must be received NOT later than May 6, 2011 at 12:00 P.M. CST; late responses will not be considered.

MnSCU reserves the right to cancel this solicitation if it is considered to be in MnSCU's best interest. The RFI is not a guarantee of work and does not obligate MnSCU to award any contracts. MnSCU reserves the right to discontinue the use or cancel all or any part of this Master List of Consultants program if it is determined to be in its best interest. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota State Colleges and Universities (MnSCU) Minnesota West Community and Technical College Request for Proposals Sought for Food Service

Minnesota West Community and Technical College is requesting proposals for operation of food service on its campuses. Food Services include cafeteria line service, catering, and vending machine service with additional considerations for a coffee kiosk serving hot and cold food and beverage selections. Additional options to the proposal should include an evening service with hours ranging from 4:00 p.m. to 6:00 p.m. Monday - Friday, limited Saturday daytime hours and summer session hours. Additional hours will be provided for special functions when the College deems necessary. Proposals are sought both individually and collectively for the five campus food service operations.

Details regarding the RFP can be obtained from Lori Voss, Minnesota West Community and Technical College, 1011 First Street West, Canby, MN 56220 or at (507) 223-7252 or via e-mail at: *Lori.Voss@mnwest.edu*.

Deadline for submitting sealed bids is 2:00 p.m. on Tuesday, April 26, 2011. Late proposals will not be accepted. Minnesota West Community and Technical College reserves the right to reject all proposals.

Minnesota West Community and Technical College is a member of the Minnesota State Colleges and Universities System.

Minnesota State Colleges and Universities (MnSCU) South Central College Advertisement for Sealed Bids for SCC Academic Support Remodel

Sealed Bids for: SCC Academic Support Remodel
South Central College, North Mankato
North Mankato, Minnesota

will be received by: Karen Snorek
South Central College, North Mankato
North Mankato, Minnesota 56003

Until **10:00 AM**, local time, **Thursday, April 14, 2011** at which time the bids will be opened and publicly read aloud. Bids will be opened in the **Former Bookstore Space**.

Project Scope: Selective demolition and construction of interior doors, windows, non-structural walls, floor and ceiling finishes, related mechanical and electrical work, and other work indicated in the drawings and specifications.

A **Pre-Bid Meeting** will be held at **10:00 AM, Tuesday, April 05, 2011**, in the **Former Bookstore Space, South Central College**,

State Contracts

North Mankato Campus. The Architect/Engineer and University Representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders and answer questions.

Bidding Documents as prepared by the Project Architect/Engineer; I&S Group, Incorporated:

Interested parties may view the Bidding Documents at no cost on the website:

<http://www.finance.mnscu.edu/facilities/design-construction/index.html>

and click on "Announcements", then click on "*Advertisement for Bids (E-Plan Room)*". Bidding Documents can be downloaded for a non-refundable charge of \$10.00. Planholders are parties that have downloaded the plans and specifications. Planholders will be notified via email as addenda are issued. Parties that download the plans and specifications and need to have them printed elsewhere are solely responsible for those printing costs. The sales of paper copies for projects listed on this site are not available. Contact QuestCDN.com at (952) 233-1632 or info@questcdn.com for assistance in viewing or downloading with this digital project information.

Department of Employment and Economic Development (DEED) Notice of Availability of Contract for Shovel Ready Certification

The Minnesota Department of Employment and Economic Development (DEED) is requesting proposals for the purpose of certifying sites as "shovel ready" on behalf of DEED as an independent third-party reviewer.

Work is proposed to start after May 1, 2011.

A Request for Proposals will be available by mail from this office through April 04, 2011. **A written request (by direct mail, email or fax) is required to receive the Request for Proposal.** After April 04, 2011, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Gene Goddard, Senior Business Development Specialist
MN Office of Business Development
Department of Employment and Economic Development
332 Minnesota Street Suite E200
St. Paul, MN 55101
Telephone: (651) 259-7436
Fax: (651) 296-5287
E-mail: gene.goddard@state.mn.us

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than Monday, April 18th, 2011, at 2:30pm central time. **Late proposals will NOT be considered.** Fax proposals will **NOT** be considered.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota Department of Health (MDH) Notice of Availability of Contract for Minnesota Pregnancy Risk Assessment Monitoring System (PRAMS)

The Minnesota Department of Health is requesting proposals for the purpose of conducting a telephone survey for those mothers who do not respond to the mailed PRAMS survey.

Work is proposed to start after July 1, 2011.

A Request for Proposals will be available by mail from this office through March 31, 2011. **A written request (by e-mail, direct mail or fax) is required to receive the Request for Proposals.** After March 31, 2011, the Request for Proposal must be picked up in person.

The Request for Proposals can be obtained from:

Mary Jo Chippendale
Minnesota Department of Health
P.O. Box 64822
85 E. 7th Place
St. Paul, MN 55164-0882
Fax: (651) 201-3590
E-mail: *MaryJo.Chippendale@state.mn.us*

Proposals submitted in response to the Request for Proposals in this advertisement must:

1. Be hand delivered to the address above before 4:00 p.m., Thursday, April 14, 2011; or
2. Have a legible postmark from the U.S. Post Office or a private carrier dated on or before April 14, 2011. Postmarks from private, in-office metering machines are not acceptable.

Late proposals will NOT be considered. Fax or emailed proposals will **NOT** be considered.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota Historical Society (MHS) Notice of Request for Bids for Library Video Editing Systems and Audio/Video Equipment Reconfiguration and Installation

The Minnesota Historical Society is seeking competitive bids from qualified contractors to supply two Final Cut Pro editing systems with data storage and peripherals and to reconfigure and install audio/video (AV) equipment in the research library AV room at the Minnesota History Center.

A **mandatory** walk-through of the room and layout will occur at 9:30 a.m. on Monday, April 4, 2011 to specify equipment locations and cable runs. Interested parties should gather at the 1st floor information desk of the Minnesota History Center, 345 Kellogg Boulevard West, St. Paul, Minnesota 55102.

The Request for Bids and other front-end documents are available by contacting Mary Green-Toussaint, Purchasing Coordinator via e-mail at: mary.green-toussaint@mnhs.org.

Bids are due by 2:00 p.m. Local Time on Thursday, April 14, 2011. Late responses will not be accepted.

Dated: 28 March 2011

Minnesota Historical Society (MHS) Notice of Request for Bids for Site Improvement Project at the Fort Ridgely Historic Site

The Minnesota Historical Society (Society) is seeking competitive bids from qualified contractors to provide all labor, materials, equipment, and supplies for selective demolition, earthwork, gravel trail installation, parking lot re-surfacing, stone curb installation, and concrete work at the Fort Ridgely Historic Site, located at 72404 County Road 30, Fairfax, Minnesota in Fort Ridgely State Park, Nicollet (Cite 35 SR 1511)

State Contracts

County, Minnesota.

There will be a MANDATORY pre-bid meeting for all interested parties at 1:00 p.m. Local Time on Thursday, April 7, 2011 at the Fort Ridgely Historic Site.

The Request for Bids and other front-end documents are available by contacting Mary Green-Toussaint, Purchasing Coordinator via email at: mary.green-toussaint@mnhs.org.

Bids are due by 2:00 p.m. Local Time on Thursday, April 21, 2011. Late responses will not be accepted.

Dated: 28 March 2011

Department of Natural Resources (DNR) Notice of Availability of Contract to Develop a Brand and Market Plan for Terrestrial Invasive Species Education Targeting Minnesota Recreationists

The Minnesota Department of Natural Resources is requesting proposals for the purpose of developing a brand and market plan for Minnesota Terrestrial Invasive Species Education (written plan available among request) with the goal of changing public behavior by fostering active participation in actions designed to interrupt two primary recreational pathways of spread (along trails and in firewood) for terrestrial invasive species. The MNDNR intends to share the brand identity, marketing strategies and associated materials with a number of partner agencies and organizations to foster the use of consistent messaging across the industry. As such, the brand and marketing strategies must be compatible with existing brands and messages being used by state and federal agencies, and private organizations (example Stop Aquatic Hitchhikers, and Leave No Trace).

Work is proposed to start after May 13, 2011.

A Request for Proposals will be available by email from this office through April 4, 2011. **A written request (by direct mail, email or fax) is required to receive the Request for Proposal.** Please include your email address in your request. The Request for Proposal can be obtained from:

Susan Burks
MNDNR, St Paul Headquarters
500 Lafayette Rd, St Paul, 55155
Fax: (651) 296-5954
E-mail: *susan.burks@state.mn.us*

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 3:30 Central time, April 12, 2011. **Late proposals will NOT be considered.** Faxed or emailed proposals will **NOT** be considered.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota Pollution Control Agency (MPCA) Request for Proposals for Professional/Technical Contract for Technical Support for Air Quality Index (AQI) Program

The Minnesota Pollution Control Agency (MPCA) requests proposals from qualified Contractors/Consultants to provide daily meteorological and ambient air quality forecasts for the State of Minnesota. The MPCA seeks a Contractor with a strong technical

background and experience in forecasting both meteorological conditions and ambient concentrations of the air pollutants fine particles and ground-level ozone.

The current daily meteorological and air quality forecast contract expires June 30, 2011. The new Contract will be effective July 1, 2011, or upon the date of Contract execution (whichever is later) to June 30, 2013, with the option of three (3) one (1) year extensions upon agreement in each instance of both parties.

The anticipated total amount of money available for work for the initial contract period under this Contract is between \$100,000 and \$125,000. The State does not make regular payments based upon the passage of time. Payments shall only be made for services performed or work delivered after it is accomplished. No minimum payment is guaranteed by the State.

For a copy of the Request for Proposal Contact:

Kurtis Soular
Minnesota Pollution Control Agency
520 Lafayette Road North
St Paul, MN 55155-4194
E-mail: *Contracts.pca@state.mn.us*
Telephone: (651) 757-2748

Responders are encouraged to supply an email address and to receive the RFP electronically. The subject line of the e-mail request should state "CR3928 AQL."

Proposal Due Date and Time: April 19, 2011 at 2:00 p.m. (Central Daylight Time). Late Proposals will not be considered.

Questions: Responders who have any questions regarding this RFP must submit their questions no later than 2:00 p.m. Central Daylight Time, April 6, 2011. Questions should be sent to *Contracts.pca@state.mn.us*, with subject line: "CR3928 AQL Q & A".

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Department of Transportation (Mn/DOT) Engineering Services Division Notice of Potential Availability of Contracting Opportunities for a Variety of General Organizational Related Activities (This document is available in alternative formats for persons with disabilities by calling Melissa McGinnis at 651-366-4644; for persons who are hearing or speech impaired by calling the Minnesota Relay Service at 800-627-3529.)

Mn/DOT, in conjunction with the Department of Administration, have developed a streamlined approach for fast-tracking select general organization service projects. These general organizational projects may include, but are not limited to, work in the following categories: 1) Develop, implement and summarize internal and external surveys; 2) Recommend best practices in an organizational structure; 3) Assist with organizational health structure; 4) Provide marketing support; 5) Develop, implement and provide support of ad hoc forums; 6) Establish and facilitate collaborative groups, including cross-organization and public-private teams; 7) Provide project management for non-technical initiatives; and 8) Facilitate non-technical activities and events.

This streamlined approach includes developing an email list of firms that are interested in receiving direct notification of general organizational projects. Firms will be added on an on-going basis. Fast-tracked projects will have a shorter advertising period and turn-around time. Firms will be asked to submit responses within 5 business days and will be required to work diligently with Mn/DOT toward establishing a contract upon selection. All projects will be advertised to the public. Your firm will be directly notified that there is a project posted on the Consultant Services Website (*www.dot.state.mn.us/consult*) that requires general organizational skills. Please note that this

State Contracts

notice is not a solicitation or request for proposals of any kind. Being placed on the list does not guarantee work nor does it obligate Mn/DOT to provide any contracting opportunities under this program.

Interested firms should send the following information to the e-mail address below: Firm name, firm contact person, phone number, and email address.

Contact: Melissa McGinnis, Contract Administrator
E-mail: melissa.mcginnis@state.mn.us
Telephone: (651) 366-4644

Department of Transportation (Mn/DOT) Engineering Services Division Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (“Consultant Pre-Qualification Program”)

This document is available in alternative formats for persons with disabilities by calling Kelly Arneson at (651) 366-4774; for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop the Consultant Pre-Qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to use the Consultant Pre-Qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT’s Consultant Services web site, indicated below, to see which highway related professional/technical services are available for application. Applications are accepted on a continual basis. All expenses are incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and applications forms are available on Mn/DOT’s Consultant Services web site at: <http://www.dot.state.mn.us/consult>.

Send completed application material to:

Kelly Arneson
Consultant Services
Office of Technical Support
Minnesota Department of Transportation
395 John Ireland Blvd. Mail Stop 680
St. Paul, MN 55155

Department of Transportation (Mn/DOT) Engineering Services Division Notice Concerning Professional/Technical Contract Opportunities and Taxpayers’ Transportation Accountability Act Notices

NOTICE TO ALL: The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT’s Consultant Services **website** at: www.dot.state.mn.us/consult

New Public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice. Mn/DOT is also posting notices as required by the Taxpayers' Transportation Accountability Act on the above referenced website.

Minnesota Department of Transportation (Mn/DOT) Research Services Section (Policy, Safety & Strategic Initiatives Division) Request for Proposals (RFP) for Research Services Academic Research Program

Mn/DOT is requesting proposals from colleges and universities for providing academic research on a wide variety of transportation-related topics. Contracts under this program will include research, implementation and technology transfer and education activities. The intent of this RFP is to establish a list of qualified academic institutions to address specific research issues identified by Mn/DOT requiring expertise not available within Mn/DOT. The goal of this RFP is to establish Master Contracts with multiple colleges and universities to have access to transportation research services available "as-needed" for research topics identified by Mn/DOT. These topics will be identified from a variety of transportation topic areas, including Multimodal, Bridges & Structures, Traffic & Safety, Maintenance Operations & Security, Policy & Planning, Environmental, Materials and Construction and Administrative.

The full RFP can be viewed on the Consultant Services Web Page at:

<http://www.dot.state.mn.us/consult/notices.html>

If you have any questions regarding this advertisement, or are having problems viewing the RFP on the Consultant Services Web Page, you may contact:

Ashley Duran, Contract Administrator

E-mail: *ashley.duran@state.mn.us*

Telephone: (651) 366-4627

Note: RESPONSES WILL BE DUE ON **WEDNESDAY, APRIL 27, 2011 AT 2:00 PM CENTRAL DAYLIGHT TIME**

Non-State Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State 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 commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

Projects with Other Agencies

The *State Register* offers one of the cheapest, yet far reaching methods, of notifying the public about your agency's bids, contracts and grants. It is available to any government, non-profit, or private agency. Space is charged at the current rate of \$13.60 per each 1/10th of a page used in the *State Register*. Agencies are only billed for the space used in the *State Register*.

Non-State Bids, Contracts & Grants

Agencies wishing to take advantage of this offer should submit what you want printed in the *State Register* via e-mail to: robin.panlener@state.mn.us. Attach to your entry a short note indicating when you wish the notice to be published (one, or many dates), if you want a copy of the issue your notice appears in (a TEAR SHEET will be sent free with your bill), and whether you want an "Affidavit of Publication."

Metropolitan Airports Commission (MAC) Minneapolis-Saint Paul International Airport Notice of Call for Bids for Fiber Ring Upgrade 2011

MAC Contract No.: 106-2-628
Bids Close At: 2:00 p.m., April 12, 2011

NOTICE TO CONTRACTORS: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040-28th Avenue South, Minneapolis, Minnesota, 55450, until the date and hour indicated.

This project will add duct bank, conduit and blown optical fiber to upgrade the existing fiber optic network to a robust, redundant high performance dual ring network around the entire airport campus. Also mechanical and electrical upgrades will be made to four existing hub rooms to house new edge and core switches which will be purchased under a separate contract.

Targeted Group Businesses (TGBs): The goal of the MAC for the utilization of TGBs on this project is 3%.

Bid Security: Each Bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents: Bidding Documents are on file for inspection at the office of Architectural Alliance; at the Minneapolis and Saint Paul Builders Exchanges; McGraw Hill Construction Dodge; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from Franz Reprographics; 2781 Freeway Boulevard, Suite 100; Brooklyn Center, MN 55430; PH: 763-503-3401; FX: 763-503-3409. Make checks payable to Architectural Alliance. Deposit per set (refundable) \$150. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids (Document 00020) for this project will be available on March 28, 2011 at MAC's web address of: www.metroairports.org/business/solicitations (construction bids).

Metropolitan Airports Commission (MAC) Minneapolis-St. Paul International Airport Notice of Call for Bids for Runway 12R/30L Tunnel Fans and Dampers

MAC Contract No.: 106-1-235
Bids Close At: 2:00 p.m. April 12, 2011

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040-28th Avenue South, Minneapolis, Minnesota, 55450, until the date and hour indicated above.

The project consists of the removal of the existing tunnel ventilation fans and the installation of new supply and exhaust fans with connection to the MAC OABA building automation system for monitoring and alarms. **It is highly recommended to attend the prebid meeting as this will be the only opportunity to visit the project site.** The pre-bid conference will be held in the Kraus Anderson Conference Center located on the Ground Level of Concourse C of Terminal 1-Lindbergh Complex on Wednesday March 30, 2011 at 1:30 pm. The entrance to the conference center is accessible from 'D' Street.

Non-State Bids, Contracts & Grants

Targeted Group Businesses (TGBs): The goal of the MAC for the utilization of TGBs on this project is 2%.

Bid Security: Each Bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents: Bidding Documents are on file for inspection at the office of Michaud Cooley Erickson, at the Minneapolis and Saint Paul Builders Exchanges; McGraw Hill Construction Dodge; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from *Franz Reprographics; 2781 Freeway; Blvd, Ste 100; Brooklyn Center, MN, 55430; PH: 763-503-3401; FX: 763-503-3409.* Make checks payable to Michaud Cooley Erickson. Deposit per set (refundable): \$150.00. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within (10) days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids (Document 00020) for this project will be available on March 21, 2011, at MAC's web address of www.metroairports.org/business/solicitations (construction bids).

Metropolitan Airports Commission (MAC) Minneapolis-Saint Paul International Airport Notice of Call for Bids for 2011 Multiple Building Roof Replacements

MAC Contract No's.: 106-3-458, 106-3-466, 106-3-467
Bids Close At: 2:00 p.m. April 12, 2011

Notice to Contractors: Sealed Bid Proposals for the work indicated above will be received by the MAC, a public corporation, at the office thereof located at 6040-28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated.

This project provides for the following work: **General Construction** work: Selective Demolition, Structural Steel, Steel Roof Deck, Metal Fabrications, Metal Stairs, Miscellaneous Carpentry, Building Insulation, Weather Barriers, Metal Wall Panels, Built-Up Asphalt Roofing, EPDM Roofing, Preparation for Re-Roofing, Sheet Metal Flashing and Trim, Roof Accessories, Joint Sealants, and Painting. **Mechanical Construction** work: Supports, Anchors, and Seals, Painting and Identification, Mechanical Insulation, Plumbing Piping, and Plumbing Drainage Specialties. **Electrical Construction** work: Basic Materials and Methods, Raceways, Secondary Grounding, Lightning Protection Systems, and Surge Protection Devices.

Targeted Group Businesses (TGBs): The goal of the MAC for the utilization of TGBs on this project is 2%.

Bid Security: Each Bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of Miller Dunwiddie Architecture, Inc.; at the Minneapolis and Saint Paul Builders Exchanges; McGraw Hill Construction Dodge; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from Miller Dunwiddie Architecture, Inc.; 123 North Third Street, Suite 104; Minneapolis, MN, 55401; **phone:** (612) 337-0000; **fax:** (612) 337-0031. Make checks payable to Miller Dunwiddie Architecture, Inc. Deposit per set (refundable): \$100.00. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on March 28, 2011, at MAC's web address of www.metroairports.org/business/solicitations (construction bids).



Several convenient ways to order:

- ♦ **Retail store** Open 8 a.m. - 5 p.m. Monday - Friday, 660 Olive Street, St. Paul
- ♦ **Phone** (credit cards): 8 a.m. - 5 p.m. Monday - Friday, 651.297.3000 (Twin Cities) or 1.800.657.3757 (nationwide toll-free)
- ♦ **On-line orders:** www.minnesotasbookstore.com
- ♦ **Minnesota Relay Service:** 8 a.m. - 5 p.m. Monday - Friday, 1.800.627.3529 (nationwide toll-free)
- ♦ **Fax** (credit cards): 651.215.5733 (fax line available 24 hours/day)
- ♦ **Mail orders:** Orders can be sent to Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155

PREPAYMENT REQUIRED. Prices and availability subject to change.

Fax and phone orders: Credit card purchases **ONLY** (American Express/Discover/MasterCard/VISA). Please allow 1-2 weeks for delivery. **Mail orders:** Complete order blank and send to address above. Enclose check or include credit card information. Please allow 4-6 weeks for delivery. Please make checks payable to "Minnesota's Bookstore." A \$20.00 fee will be charged for returned checks.

Stock No.	Title	Quantity	Unit Price	Total

Send my order to:

Company _____

Name _____

Street Address (Not deliverable to P.O. boxes) _____

City () State Zip _____

Daytime phone (In case we have a question about your order) _____

Credit card number: _____

Expiration date: _____ Signature: _____

Shipping Charges

<i>If Product</i>	<i>Please</i>
<i>Subtotal is:</i>	<i>Add:</i>
Up to \$15.00	\$ 5.00
\$15.01-\$25.00	\$ 6.00
\$25.01-\$50.00	\$ 9.00
\$50.01-\$100.00	\$ 14.00
\$100.01-\$1,000	\$ 17.00*
<small>*\$17 to an address in MN, WI, SD, ND, IA. If delivered to an address in other states, Canada or internationally, we will contact you if there are additional charges.</small>	
More than \$1,000	Call

Product Subtotal _____

Shipping _____

Subtotal _____

Sales tax _____

(6.875% sales tax if shipped to MN address, 7.625% if shipped to St. Paul address. 7.125% MN transit tax or other local sales tax if applicable)

TOTAL _____

If tax exempt, please provide ES number or completed exemption form.
ES# _____