

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**
Published every Monday (Tuesday when Monday is a holiday)

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State Register

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

The *State Register* is the official publication of the State of Minnesota'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- Withdrawn Rules
- Vetoed 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

Printing Schedule and Submission Deadlines

Vol. 37 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for Proposed, Adopted and Exempt RULES
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# 28	Monday 7 January 2013	NOON MONDAY 31 December	Noon Wednesday 26 December
# 29	Monday 14 January	Noon Tuesday 8 January 2013	Noon Wednesday 2 January 2013
# 30	TUESDAY 22 January	Noon Tuesday 15 January	Noon Wednesday 9 January

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Website: http://www.access.gpo.gov/su_docs/aces/aces140.html

Minnesota Rules: Amendments & Additions

Rules Index: Volume 37, #14-26: 1 Oct - 24 December 2012..... 966

Proposed Rules

Administrative Hearings Office (OAH)

Municipal Boundary Adjustment Unit:

Proposed Permanent Rules Relating to Municipal Boundary Adjustments... 967

Human Services Department (DHS)

Proposed Permanent Rules Relating to Certification
of Integrated Dual Diagnosis Treatment..... 973

Adopted Rules

Minnesota Pollution Control Agency (MPCA)

Adopted Permanent Rules Relating to
Greenhouse Gas Permit Requirements..... 991

Department of Public Safety (DPS)

Adopted Permanent Rules Relating to
Pilot/Escort Vehicles Accompanying Oversize Vehicles..... 992

Appointments

Transportation Department (Mn/DOT)

Appointment of Commissioner Charles A. Zelle..... 998

Official Notices

Subscribers' Services..... 999

Governor's Residence Council

Notice of 2013 Meetings..... 999

Health Department (MDH)

Division of Health Policy:

Proposed Revised Rule: Minnesota Uniform Companion Guide
for the Implementation of the ASC X12N/005010X214E2
Health Care Claim Acknowledgment (277)..... 999

Health Department (MDH)

Division of Compliance Monitoring

Managed Care Systems Section:

Application for Essential Community Provider Status..... 1001

Labor and Industry Department (DLI)

Labor Standards Unit:

Prevailing Wage Determinations for Commercial Projects..... 1002

Metropolitan Council

Public Hearings on Regional Title VI Policies..... 1002

Minnesota Pollution Control Agency (MPCA)

Municipal Division:

Public Meeting for Changes Based on Comments Received
on the Certification of General Permit (RGP-003-MN)..... 1003

Transportation Department (Mn/DOT)

Engineering Services Division,

Office of Construction and Innovative Contracting:

Notices of Suspension and Debarment..... 1004

State Contracts

On-going State Contracts..... 1005

Commerce Department

Availability of Contract for Audit Services for the
Automobile Theft Prevention Grants Program..... 1005

Enterprise Technology Office (OET)

Request for Proposals for Digital Aerial Photography Proposals..... 1006

Public Safety Department (DPS)

State Patrol Training and Development Section:

Request for Proposals for Pre-employment Medical Evaluations
of State Patrol Trooper Candidates and Student Workers..... 1007

Transportation Department (Mn/DOT)

Engineering Services Division:

Contracting Opportunities for a Variety of Highway Related
Technical Activities ("Consultant Pre-Qualification Program")..... 1007

Transportation Department (Mn/DOT)

Engineering Services Division:

Professional/Technical Contract Opportunities and
Taxpayers' Transportation Accountability Act Notices..... 1008

Non-State Public Bids, Contracts & Grants

Vendors Sought for these Projects..... 1009

Metropolitan Airports Commission (MAC)

Anoka County - Blaine Airport:

Call for Bids for 2013 Pavement Rehabilitation - Alleyways..... 1009

Metropolitan Airports Commission (MAC)

Public Notice for Statements of Qualifications for

Aviation Liability Claim Services..... 1009

Minnehaha Creek Watershed District (MCWD)

Minnehaha Creek Reach 14 Stream Bank Improvement Project:

Advertisement for Bids for Landscaping,
Stream Bank Restoration and Stabilization..... 1010

Washington County Regional Railroad Authority (WCRRA)

Request for Proposals for Construction Management Services..... 1011

Minnesota's Bookstore:

..... 1011

Contract information is available from the Materials Management (MMD)
Helpline (651) 296-2600, or Web site: www.mmd.admin.state.mn.us

State Register information is available from Minnesota's Bookstore (651)
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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. TTY relay service phone number: (800) 627-3529.

Minnesota Rules

appearing in Volume 37, #14-26

Monday 1 October - Monday 24 December 2012

Commerce Department

2711.0200; .0210; .0220; .0230; .0240 (proposed)..... 647
 2711.0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090; .0100
 (proposed repealer)..... 647

Dentistry Board

3100.1130; .1700; .1750; .1850; .3600; .5100; .5300; .7000; .8400;
 .8500; .9600 (proposed)..... 809

Employment and Economic Development Department

3321.0100; .0200; .0300; .0400; .0500; .0600.0700; .0800;
 .0900; .1000; .1100; .1200; .1300 (proposed)..... 472
 3321.0100; .0200; .0300; .0400; .0500; .0600.0700; .0800;
 .0900; .1000; .1100; .1200; .1300 (adopted)..... 939
 3321.0700; .0900; 3321.1400 (proposed repealer)..... 472
 3321.0700; .0900; 3321.1400 (repealed)..... 939

Education Department

3501.1300; .1305; .1310; .1315; .1320; .1325; .1330; .1335; .1340;
 .1345 (proposed)..... 659

Environmental Quality Board (EQB)

4410.0200; .1100; .1500; .2550; .2900; .6000; .6100; .6200
 (adopted exempt)..... 820

Health Department (MDH)

4654.0200; .0800 (adopted expedited)..... 747

Labor and Industry Department

5208.1500 (proposed exempt)..... 557
 5208.1500 (adopted exempt)..... 906
 5217.0300; .0500; .0600; .0610 (proposed)..... 672
 5217.0300 s. 4 (proposed repealer)..... 672

Administrative Hearings Office (OAH)

6000.0100; .0110; .0200; .0400; .0500; .0600; 0700; .0800; .0900; .1150;
 .1200; .1310; .1400; .1510; .1600; .1700; .1900; .2210; .2500; .2600; .3000;
 .3100; .3400 (proposed).....697

Natural Resources Department (DNR)

6110.2000 (adopted repealer)..... 697
 6134.0170; .0200; .0300; .0400 (proposed)..... 875
 6230.0200; 6236.0300; .0810; .1060 (adopted expedited
 emergency)..... 845
 6234.1000; .2200; .2400; .2700 (adopted expedited emergency)..... 621
 6234.1000; .2200; .2400; .2700, published in the *State Register*,
 volume 35, page 1915, June 6, 2011 (expedited emergency
 repealer)..... 621
 6234.2105 (adopted expedited emergency)..... 675
 6234.2105 (adopted expedited emergency)..... 587
 6236.0810, published in the *State Register*, volume 36, page 1569,
 June 18, 2012; and 6234.2700, published in the *State Register*,
 volume 37, page 621, October 22, 2012 (repealed expedited
 emergency)..... 845
 6262.0575 (adopted expedited emergency)..... 675
 6264.0400 (adopted expedited emergency)..... 619
 6264.0400 s. 59, published in the *State Register*, volume 35,
 page 1649, April 25, 2011 (expedited emergency repealer)..... 619

Pollution Control Agency

7005.0100; 7007.0050; .0100; .0150; .0200; .0250; .0300; .0325; .0350;
 .0400; .0500; .0750; .0800; .0950; .1050; .1100; .1105; .1107; .1110;
 .1115; .1120; .1125; .1130; .1140; .1141; .1142; .1145; .1146; .1150;
 .1300; .1400; .1450; .1500; .1850; 7011.2305; .2310 (adopted)..... 991
 7011.3520 (repealed)..... 991
 7082.0050 (adopted)..... 483

Public Safety Department (DPS)

7455.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900;
 .1000; .1100; .1200; .1300; .1400 (adopted)..... 992

Minnesota Racing Commission

7890.0100 (proposed)..... 818
 7895.0110 (proposed)..... 937

Transportation Department (Mn/DOT)

8820.0100; .9920; .9926; .9936; .9941; .9946;
 .9951 (adopted exempt)..... 697

Human Services Department

9533.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080;
 .0090; .0100; .0110; .0120; .0130; .0140; .0150; .0160;
 .0170; .0180 (proposed)..... 973

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 Office of Administrative Hearings (OAH)

Municipal Boundary Adjustment Unit

Proposed Permanent Rules Relating to Municipal Boundary Adjustments

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; Revisor's ID Number 4123

Proposed Amendment to Rules Governing Petitions, Receipt of Evidence and Hearings in Municipal Boundary Adjustment Matters, *Minnesota Rules*, Chapter 6000

Introduction. The Minnesota Office of Administrative Hearings (OAH), Municipal Boundary Adjustment Unit (MBAU) 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 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, January 23, 2013, the MBAU will hold a public hearing in Room 2040, Stassen Building, 600 North Robert Street, St. Paul, Minnesota, 55101, starting at 11:00 a.m. on Friday, February 8, 2013. To find out whether the MBAU will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after January 23, 2013 and before February 8, 2013.

Agency Contact Person. Submit any comments or questions on the proposed rules or written requests for a public hearing to the agency contact person. The agency contact person is: Star Holman at the Municipal Boundary Adjustment Unit, P.O. Box 64620, St. Paul, Minnesota, 55164-0620, **e-mail:** star.holman@state.mn.us, **telephone:** (651) 361-7909, **fax:** (651) 361-7936, **TTY** users may call the MBAU at (651) 361-7878.

Subject of Rules and Statutory Authority. The proposed rules are about the possible amendment to Rules of the Minnesota Office of Administrative Hearings-Municipal Boundary Adjustment Unit governing petitions, receipt of evidence and hearings in Municipal Boundary Adjustment Unit matters, *Minnesota Rules*, Chapter 6000. The statutory authority to adopt the rules is *Minnesota Statutes*, section 414.01, subdivision 10. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Wednesday, January 23, 2013, to submit written comments 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

Proposed Rules

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 MBAU hold a hearing on the proposed 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, January 23, 2013. 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 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 hearing, the MBAU 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 affect 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 MBAU 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 MBAU follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the MBAU encourages you to participate in the rulemaking process.

Cancellation of Hearing. The MBAU will cancel the hearing scheduled for February 8, 2013, 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) 361-7909 after January 23, 2013 to find out whether the hearing will be held. On the scheduled day, you may check for whether the hearing will be held by calling (651) 361-7909 or going on-line at: <http://www.mba.state.mn.us>.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the MBAU will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The MBAU 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 Steve Mihalchick is assigned to conduct the hearing. Judge Mihalchick can be reached through the agency contact person at the address stated above.

Hearing Procedure. If the agency 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 MBAU 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.

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. The SONAR may also be viewed online at: <http://www.mba.state.mn.us>.

Proposed Rules

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 MBAU 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.

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

Dated: 5 December 2012

Timothy J. O'Malley, Assistant Chief
Administrative Law Judge,
Municipal Boundary Adjustment Unit,
Office of Administrative Hearings

6000.0100 DEFINITIONS.

Subpart 1. **Scope Statement of purpose.** For the purposes of parts 6000.0100 to 6000.3500, the terms defined in this part have the meanings given them.

Subp. 2. **Parties.** "Parties" includes petitioners specifically named in the pleadings. The term also includes other persons who file at the hearing an appearance form ~~provided by the board and enter an appearance at the hearing~~. To be considered parties, persons who fill out the appearance form must establish that they are residents or taxpayers in the ~~incorporation, annexation, consolidation, or detachment subject area~~; or that by the outcome of the proceedings they will be bound and affected either favorably or adversely by an interest particular to these persons as distinguished from an interest common to the public or other taxpayers in general. ~~No person becomes, or is considered to be, a party to the proceeding solely by reason of presenting facts or evidence or entering an appearance at the hearing.~~

Subp. 2a. **Person.** "Person" means any individual, business, nonprofit association or society, or governmental entity.

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

6000.0110 COMMENCEMENT OF PETITION.

A "petition," as the term is used in parts 6000.0100 to 6000.3500, may be initiated in accordance with *Minnesota Statutes*, chapter 414 ~~by the required number of persons or by the municipality, town, or by the board~~, as provided in that chapter. Where the petition is filed by residents or property owners, the number of petitioners required by statute to commence a proceeding must be stated in the petition. The petition must also state on its face the number of petitioners who have signed the petition. Where the petition is commenced by a municipality or town, the petition must include the appropriate action by the governing body, including the citation to the resolution, ordinance, or notice of intent.

The municipality, town, or the persons commencing a petition shall be designated as the "petitioner" or "petitioners."

6000.0200 FORM OF PETITION.

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

Subp. 2. **Body.** The title must be followed by a brief description of the subject matter to which the petition relates. No petition shall be dismissed, impaired, or prejudiced because incorrectly entitled, or the parties incorrectly designated. Opportunity shall be given in these cases to correct the error by amendment, giving due consideration to any person who may have been misled by the error.

Sample petition forms will be provided by the ~~board~~ chief administrative law judge or the delegate of the chief administrative law judge upon request.

6000.0400 REPRESENTATION.

A party may appear in person or ~~may~~ be represented by an attorney. Where a petition is by property owners, one of the petitioners may represent the group. A government official may appear on behalf of a party that is a county, municipality, ~~or town~~, or government agency.

Proposed Rules

When ~~any a party has appeared~~ appears by an attorney; or a person representing a group, service upon ~~such the~~ the attorney or chosen representative shall be deemed service upon the party ~~and all members of the~~ or group.

6000.0500 PLEADINGS.

The pleadings before the ~~board~~ chief administrative law judge or the delegate of the chief administrative law judge shall be the petition. Objections filed pursuant to *Minnesota Statutes*, chapter 414, are jurisdictional documents and not responsive pleadings. No responsive pleading is necessary.

6000.0600 PETITION AS EVIDENCE.

The petition shall be prima facie evidence of the facts contained in the petition if not controverted by opposing parties at the hearing. The ~~board~~ chief administrative law judge or the delegate of the chief administrative law judge may independently verify the accuracy of the facts.

6000.0700 AMENDMENTS.

A petition may be amended at the discretion of the ~~board~~ chief administrative law judge or the delegate of the chief administrative law judge at any time before ~~the board has rendered~~ a final decision on the petition is rendered. Notice is required to all parties entitled to original notice. Amendments may be proposed and granted at public hearings. Where the petition is by property owners, the petition cannot be amended to include an area different than the one described in the petition signed by the property owners unless the amendment or a waiver is signed by all the property owners who signed the original petition.

6000.0800 FILING OF PETITION.

Any petition pursuant to *Minnesota Statutes*, chapter 414, must be filed with the ~~board~~ chief administrative law judge or the delegate of the chief administrative law judge together with the following:

A. Filing fee (see part 6000.3400). No petition will be accepted or acted upon unless the filing fee is received.

B. Certification. A certification showing that the petition was served upon the proper parties when the statute indicates such necessity and the date filed or a waiver authorized by *Minnesota Statutes*, section 414.033.

C. Map. A map showing the ~~property proposed for consideration~~ subject area and its relationship to any ~~surrounding adjacent~~ municipality or town. All distance references should be given by length. Beginning points should be land survey monuments and the description must close the boundaries. References to roads or railroads should be to survey lines such as centerline or known right-of-way line. The intent to include or exclude highway, railroad, and street rights-of-way surrounding platted blocks or lots should be clearly stated.

D. Description. The geographical description of the subject area.

6000.0900 CONTINUANCES.

Continuances will be granted or denied by the ~~board in its~~ presiding administrative law judge at the judge's discretion for cause shown, or upon the ~~board's~~ presiding administrative law judge's own initiative.

6000.1150 PREHEARING CONFERENCE.

The board may, in its discretion, hold an informal prehearing conference conducted by a designated representative of the board. The purpose of the prehearing conference is to simplify the issues, to stipulate facts for testimony or exhibits, to consider the proposed witnesses, to consider such other matters as may be necessary or advisable, and, if possible, to reach a settlement without the necessity for a hearing. Agreements on issues may be put in the form of stipulations and entered on the record. Any final settlement may be set forth in a settlement agreement and made a part of the record.

The presiding administrative law judge may, at the judge's discretion, hold a prehearing conference according to the procedures of part 1400.6500.

6000.1200 PUBLIC HEARINGS.

The petitioner shall notify the ~~board~~ presiding administrative law judge at least seven days prior to the hearing of any personal knowledge of controversy regarding the hearing. Public hearings shall be held by the ~~board~~ presiding administrative law judge in accordance with *Minnesota Statutes*, section 414.09.

Proposed Rules

The ~~board~~ presiding administrative law judge may hear the facts or evidence of any person or organization. Any person may note an appearance for the record. No person becomes, or is considered to be, a party to the proceeding solely by reason of presenting facts or evidence or entering an appearance at the hearing.

The petitioner must pay for the publication of notices of hearings required by *Minnesota Statutes*, section 414.09.

6000.1310 EXAMINATION OF WITNESSES.

~~Witnesses shall testify before the board. The party calling the witness shall examine the witness first. Every witness is subject to direct examination by nonadverse parties and cross-examination by adverse parties. The board may question a witness. All parties shall have the opportunity to submit rebuttal evidence. Cross-examination of a witness by a party not an attorney shall be submitted to the presiding officer, and the presiding officer shall ask the question of the witness if it is considered admissible.~~

Witnesses shall be examined according to the procedures of part 1400.7800.

6000.1400 EXHIBITS.

~~Unless the presiding officer of the hearing shall direct~~ administrative law judge directs otherwise, persons offering exhibits to the board shall submit a single copy. Where possible, parties should offer an exhibit in 8-1/2 by 11-inch size.

6000.1510 ORDER OF PROCEDURE.

~~Unless the presiding officer of the hearing directs otherwise, the order of procedure at a hearing shall be as follows:~~

~~A. the petitioner shall begin the presentation of evidence;~~

~~B. adverse parties shall present testimony; and~~

~~C. nonadverse parties shall present testimony.~~

The order of procedure at a hearing shall be according to the procedures of part 1400.7800.

6000.1600 FAILURE TO APPEAR.

If the initiating party fails to appear at a proceeding, the hearing may be dismissed with or without prejudice at the discretion of the ~~board~~ presiding administrative law judge. The ~~board~~ presiding administrative law judge may allow the record to remain open for receipt of stipulated facts which the ~~board~~ may use ~~be used~~ in reaching its ~~the judge's~~ decision.

6000.1700 ADMISSION OF EVIDENCE.

~~The board may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonable, prudent persons in the conduct of their affairs. It shall give effect to rules of privilege recognized by law. It may exclude incompetent, irrelevant, immaterial, and repetitious evidence. Public records are admissible without foundation except proof that they are public records in establishing the facts required in *Minnesota Statutes*, chapter 414.~~

The admission of evidence shall be according to the procedures of part 1400.7300.

6000.1900 EVIDENCE IN A PROCEEDING.

Subpart 1. **Notice of certain facts.** All evidence shall be made a part of the record in the proceeding, ~~and no other factual information or evidence shall be considered in the proceeding, except the board may take notice of appropriate facts, public documents, or records of a general, scientific, or technical nature by appropriate notice to all parties. The time within which the parties may object to the accuracy of the facts sought to be proved from the documents or records shall be limited by the board~~ according to the procedures of part 1400.7300.

Subp. 2. **Record of proceedings.** The ~~board~~ chief administrative law judge, delegate of the chief administrative law judge, or presiding administrative law judge shall record all proceedings. Testimony before the board shall be taken by electrical recording device or by use ~~an~~ official court reporters. A transcript shall be furnished upon request at the expense of the requester reporter.

6000.2210 SUBPOENAS.

Subpart 1. **Generally.** A request for a subpoena, whether for an individual or for the production of books, papers, or documents, shall be in writing to the executive director of the board. The party requesting the subpoena shall prepare the subpoena for the board's signature.

Proposed Rules

A request for the production of documentary evidence must be verified and must specify as nearly as possible the books, papers, or documents desired. Requests for subpoenas shall be made according to the procedures of part 1400.7000.

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

Subp. 3. **Service.** Service of subpoenas shall be the same as service of subpoenas for the district courts of Minnesota. A subpoena shall be served in the manner provided by the Rules of Civil Procedure for the district courts of Minnesota unless otherwise provided by law.

6000.2500 REQUESTS FOR WRITTEN OR ORAL ARGUMENTS.

Requests for written or oral arguments must be made at the hearing or the parties waive their rights to submit written or oral arguments. If a request is made, the presiding officer shall allow all parties to submit written or oral arguments, or both. The presiding officer shall also prescribe the time for service and filing of written arguments or making of oral arguments.

Requests for written or oral arguments shall be made according to the procedures of part 1400.7800.

6000.2600 FILING AND SERVICE OF WRITTEN ARGUMENTS.

All written arguments presented to the board must be filed with the executive director presiding administrative law judge accompanied by certification showing service upon all parties.

6000.3000 REQUEST FOR ADDITIONAL HEARING.

A party may submit a written request for an additional hearing at any time prior to the board's presiding administrative law judge's final decision. The request shall clearly set forth the reasons for the additional hearing; and include a brief summary of additional evidence proposed to be submitted. No additional hearing will be granted where it appears that the evidence to be submitted will be incompetent, irrelevant, immaterial, cumulative, or repetitious. The request shall be served upon all parties to the proceeding. A party shall have seven days from the date of service of the request to make a written response. No reply to the response will be permitted. The board presiding administrative law judge may grant or deny the request without hearing or, in its at the judge's discretion, hold a hearing on the request.

6000.3100 REQUEST FOR AMENDMENT.

Within seven days from the date of the mailing service of the board's presiding administrative law judge's order, any party may submit a written request for an amendment of the findings of fact, conclusions of law, and order. The request shall specifically set forth the reasons for the amendment, any claimed errors, and any proposed amendments to the findings of fact, conclusions of law, and order. The request shall be served upon all parties to the proceeding. A party has seven days from the date of the service of the request to respond. No reply will be permitted. The board presiding administrative law judge may grant or deny the request without a hearing or, in its at the judge's discretion, hold a hearing on it. No request shall extend the time of appeal from the findings of fact, conclusions of law, and order. If a request is for amendment to only change the date in the findings of fact, conclusions of law, and order, the relief may be sought informally by telegram or otherwise upon notice to all parties.

6000.3400 SCHEDULE OF FILING FEES.

Subpart 1. **Incorporation of municipality.** A petition for incorporation of a municipality pursuant to *Minnesota Statutes*, section 414.02, must be accompanied by a filing fee of \$600 when filed with the board.

Subp. 2. **Annexation proceedings for of an entire town to a municipality and an entire town.** A petition for annexation of a an entire town to a municipality and an entire town pursuant to *Minnesota Statutes*, section 414.031, subdivision 1, paragraph (a), clause (4), must be accompanied by a filing fee of \$200.

Subp. 3. **Annexation of property by board chief administrative law judge's order.** A filing fee of \$5 per acre must accompany a petition to annex unincorporated property by board order. The minimum fee is \$100 and the maximum fee is \$600. A petition to annex unincorporated property by chief administrative law judge's order pursuant to *Minnesota Statutes*, section 414.031, must be accompanied by a filing fee of \$5 per acre, with a minimum fee of \$100 and a maximum fee of \$600.

Subp. 4. **Orderly annexations.** A filing fee of \$2 per acre must accompany the joint resolution. The minimum fee is \$25 and the maximum fee is \$200. Requests for annexation of any part of the designated area shall be accompanied by an additional filing fee of \$2 per acre with a minimum fee of \$25 and a maximum fee of \$200. A joint resolution for designation of an orderly annexation area pursuant to *Minnesota Statutes*, section 414.0325, must be accompanied by a filing fee of \$2 per acre, with a minimum fee of \$25 and a maximum fee of \$200. The annexation of any part of a designated area requires an additional filing fee of \$2 per acre, with a minimum fee of \$25 and a

maximum fee of \$200.

Subp. 5. **Annexation by ordinance.** ~~A filing fee of \$5 per acre must accompany the initial petition submitted to the board. The minimum fee is \$100 and the maximum fee is \$600.~~ A petition for annexation by ordinance pursuant to *Minnesota Statutes*, section 414.033, must be accompanied by a filing fee of \$5 per acre, with a minimum fee of \$100 and a maximum fee of \$600.

Subp. 6. **Consolidation of two or more municipalities.** ~~A fee of \$200 must accompany a petition for consolidation of two or more municipalities.~~ A petition for consolidation of two or more municipalities pursuant to *Minnesota Statutes*, section 414.041, must be accompanied by a filing fee of \$200.

Subp. 7. **Detachment of property from municipality.** ~~A filing fee of \$5 per acre must accompany a petition to detach property from a municipality. The minimum fee is \$100 and the maximum fee is \$600.~~ A petition for detachment of property from a municipality pursuant to *Minnesota Statutes*, section 414.06, must be accompanied by a filing fee of \$5 per acre, with a minimum fee of \$100 and a maximum fee of \$600.

Subp. 8. **Concurrent detachment and annexation of incorporated land.** ~~A filing fee of \$4 per acre must accompany the concurrent resolutions with a minimum fee of \$100 and a maximum fee of \$600.~~ A petition for concurrent detachment and annexation pursuant to *Minnesota Statutes*, section 414.061, must be accompanied by a filing fee of \$5 per acre, with a minimum fee of \$100 and a maximum fee of \$600.

Subp. 9. **Waiver of fees.** ~~Where~~ If the chief administrative law judge or the delegate of the chief administrative law judge finds that the strict application of the filing fee requirements would impose an unreasonable hardship on the petitioner, the board, in its discretion, may judge shall waive the filing fee; or a portion of the filing fee.

Department of Human Services (DHS) Proposed Permanent Rules Relating to Certification of Integrated Dual Diagnosis Treatment

NOTICE OF HEARING

Proposed Rules Governing Certification of Integrated Dual Diagnosis Treatment, *Minnesota Rules*, Parts 9533.0010 to 9533.0180; Revisor's ID Number R-04126

Public Hearing. The Department of Human Services intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-named rules in the second floor conference rooms designated 2370 and 2380, Elmer L. Anderson Human Services Building, 540 Cedar Street, St. Paul, Minnesota 55155, starting at 9:00 a.m. on Wednesday, April 3, 2012, and continuing until the hearing is completed. The agency will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

Administrative Law Judge. Administrative Law Judge James E. LaFave will conduct the hearing. The judge 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. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

Subject of Rules, Statutory Authority, and Agency Contact Person. The proposed rules are about certification of integrated dual diagnosis treatment programs for persons with co-occurring substance-related disorders and mental illness. The rules establish programmatic and practice standards based largely on evidence-based practices, consensus guidelines, and widely-accepted dual diagnosis capability measures for programs. Certification is voluntary for providers who desire a Department-certified integrated dual diagnosis treatment program that meets all requirements. The proposed rules are authorized by *Minnesota Statutes*, section 245.4863. A copy of the proposed rules is published in the *State Register* and is available at the agency's public website (by navigating from "A to Z Topics," to "R", and then

Proposed Rules

Rulemaking.) Alternatively, you may request a free copy of the proposed rules by contacting Andrea Funches, at (651) 431-3614, or by e-mail at: Andrea.Funches@state.mn.us. For all other purposes, the agency contact person is: Beth Scheffer at Minnesota Department of Human Services, PO. BOX 64941, St. Paul, MN 55164-0941, **phone:** (651) 431-4336, **e-mail:** Elizabeth.scheffer@state.mn.us. **TTY** users may call the Department of Human Services at 1-800-657-3513.

Statement of Need and Reasonableness. The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting Andrea Funches at the above-referenced telephone number and electronic mail address. The statement is also available on the agency's public web site in the same location as that indicated above for the proposed rules.

Public Comment. You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. *The administrative law judge will accept your views* either orally at the hearing or in writing at any time before the close of the hearing record. Submit written comments to the administrative law judge at the address above or to:

rulecomments@state.mn.us

All evidence that you present 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 this five-day comment period extended for a longer period but for no more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period during which 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 are public and will be available for review at the Office of Administrative Hearings.

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.

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

Adoption Procedure after the Hearing. 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 when the judge's report will become available, and can make this request at the hearing or in writing to the administrative law judge. You may also ask to be notified of the date that the agency adopts the rules and files them with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the agency contact person stated above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions regarding this requirement to 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.

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

Dated: 7 December 2012

Lucinda Jesson, Commissioner
Department of Human Services

CHAPTER 9533
DEPARTMENT OF HUMAN SERVICES
CERTIFICATION OF INTEGRATED DUAL DIAGNOSIS TREATMENT

9533.0010 APPLICABILITY.

Subpart 1. **Purpose and applicability.** Parts 9533.0010 to 9533.0180 provide methods, procedures, and practice standards relating to the establishment and operation of certified integrated dual diagnosis treatment programs for providers who elect to become certified.

Subp. 2. **Certification option.** A program that provides integrated dual diagnosis treatment, dual disorders treatment, co-occurring capable treatment, or other forms of treatment designed to address co-occurring mental illness and substance-related disorders in adults or children is not required to obtain an integrated dual diagnosis treatment certification.

Subp. 3. **Requirements supersede.** For certified integrated dual diagnosis treatment programs, parts 9533.0010 to 9533.0140 supersede requirements of other department rules, except when other applicable rules establish a more stringent standard.

9533.0020 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 9533.0010 to 9533.0180, the following terms have the meanings given them.

Subp. 2. **Alcohol and drug counselor.** “Alcohol and drug counselor” has the meaning given in *Minnesota Statutes*, section 148F.01, subdivision 5.

Subp. 3. **Care coordination.**

A. “Care coordination,” for an adult, means helping the client obtain the services and supports needed by the client, and ensuring coordination and consistency of care across these services and supports, to establish a lifestyle free from the harmful effects of substance abuse and oriented toward ongoing recovery from a co-occurring substance-related disorder and mental illness. Examples of services and supports include medical, social, educational, and vocational services.

B. “Care coordination,” for a child, means a community intervention to ensure the consistency of care and coordination of services and supports across the child’s medical, social service, school, probation, and other services, oriented toward aiding the child in refraining from substance use and ongoing recovery from mental disorders.

Subp. 4. **Certificate holder.** “Certificate holder” means a controlling individual for the corporation, partnership, or other organization that is legally responsible for the operation of the integrated dual diagnosis treatment program certified under this chapter.

Subp. 5. **Certification.** “Certification” means the commissioner’s written authorization that the program meets the conditions to be certified under this chapter as an integrated dual diagnosis treatment program.

Subp. 6. **Certified integrated dual diagnosis treatment program.** “Certified integrated dual diagnosis treatment program” means a program that meets the requirements of parts 9533.0010 to 9533.0160.

Subp. 7. **Certified peer specialist or peer specialist.** “Certified peer specialist” or “peer specialist” means a person who the commissioner has certified as a peer specialist and meets the requirements of either *Minnesota Statutes*, section 256B.0615, subdivision 5, for services provided to adults, or section 256B.0947, subdivision 2, paragraph (h), for services provided to children.

Subp. 8. **Chemical dependency.** “Chemical dependency” means a substance-related disorder.

Subp. 9. **Chemical dependency treatment.** “Chemical dependency treatment” means assistance or support by a qualified professional of a client’s efforts to recover from a substance-related disorder. This is accomplished through a process to:

- A. assess a client’s needs;
- B. develop planned interventions or services to address those needs;
- C. provide services;

Proposed Rules

D. document services provided;

E. facilitate services provided by other service providers; and

F. reassess the client.

Subp. 10. **Child with severe emotional disturbance.** “Child with severe emotional disturbance” has the meaning given in *Minnesota Statutes*, section 245.4871, subdivision 6.

Subp. 11. **Client.** “Client” means an individual accepted by a certified integrated dual diagnosis treatment program for assessment or treatment of co-occurring disorders. An individual remains a client until the program no longer provides or plans to provide the individual with integrated dual diagnosis treatment services.

Subp. 12. **Cognitive-behavioral approaches, techniques, and strategies.** “Cognitive-behavioral approaches, techniques, and strategies” means therapeutic approaches, techniques, and strategies founded in the theories of cognitive-behavioral counseling, which is a general approach to psychotherapy based on the systematic application of theories about learning to human problems. Cognitive-behavioral counseling emphasizes development of new skills and competencies for overcoming problems and achieving life goals.

Subp. 13. **Collateral sources.** “Collateral sources” means persons who possess knowledge of clinically relevant information about the client, including family members, caregivers, teachers, community agencies, and previous treatment providers.

Subp. 14. **Commissioner.** “Commissioner” means the commissioner of human services or the commissioner’s designated representative.

Subp. 15. **Competency.** “Competency” means possession of the requisite abilities to fulfill work obligations.

Subp. 16. **Co-occurring substance-related disorder and mental illness or co-occurring disorders.** “Co-occurring substance-related disorder and mental illness” or “co-occurring disorders” means a dual diagnosis of at least one substance-related disorder that involves alcohol or drug use, excluding the use of nicotine, and at least one form of mental illness.

Subp. 17. **Counseling.** “Counseling” means the use of skills to assist individuals, families, or groups in achieving objectives through exploration of a problem and its ramifications; the examination of attitudes and feelings; the consideration of alternative solutions; and decision making.

Subp. 18. **Department.** “Department” means the Department of Human Services.

Subp. 19. **Diagnostic assessment.** “Diagnostic assessment” has the meaning given in part 9505.0370, subpart 11. A diagnostic assessment must be provided according to part 9505.0372, subpart 1.

Subp. 20. **Dual diagnosis or dual disorder.** “Dual diagnosis” or “dual disorder” means diagnosed with co-occurring disorders.

Subp. 21. **Emotional disturbance.** “Emotional disturbance” has the meaning given in *Minnesota Statutes*, section 245.4871, subdivision 15, as applied to a child.

Subp. 22. **Evidence-based practices.** “Evidence-based practices” means nationally recognized treatments, techniques, and therapeutic approaches that are supported by substantial research and shown to be effective in helping individuals with serious mental illness and substance-related disorders obtain specific treatment goals.

Subp. 23. **Illness management and recovery or IMR.** “Illness management and recovery” or “IMR” means the mental health evidence-based best practice that helps clients manage their illness more effectively in the context of pursuing their personal recovery goals.

Subp. 24. **Integrated assessment.** “Integrated assessment” means an assessment that identifies the interaction between substance use and mental health symptoms and disorders and how this relates to treatment during periods of both stability and crisis. The assessment

Proposed Rules

analyzes and uses data on one disorder in light of data related to another disorder, which includes the history of both disorders and the interactions between them. The integrated assessment is a formal process of conducting clinical interviews, using standardized instruments, and reviewing existing information. The integrated assessment results form the basis for a summary and recommendations used to establish the integrated treatment plan.

Subp. 25. **Integrated dual diagnosis treatment.** “Integrated dual diagnosis treatment” means the integration of delivery systems, clinical services, and treatment for substance-related disorders and mental illness to produce better outcomes for dually diagnosed clients that is documented. It includes changes and coordination within an entire agency to help practitioners provide integrated treatment. The overall vision of an integrated system is to effectively serve individuals with co-occurring disorders no matter where they enter the system.

Subp. 26. **Integrated treatment plan.** “Integrated treatment plan” means a single treatment plan that addresses both the client’s mental health and substance-related disorders, and integrates information obtained during the screening, diagnostic assessment, functional assessment, and contextual analysis into a set of actions to be taken by the treatment team. The plan is an evolving document that the certificate holder continues to review and refine throughout treatment.

Subp. 27. **Level of care.** “Level of care” means the intensity of services being provided based on the assessed needs of the client. The number of hours of care and the credentials of the individual providing the care reflect the level of care.

Subp. 28. **Mental illness.**

A. “Mental illness,” for a child, has the meaning given in *Minnesota Statutes*, section 245.4871, subdivision 6 or 15.

B. “Mental illness,” for an adult, has the meaning given in *Minnesota Statutes*, section 245.462, subdivision 20.

Subp. 29. **Program of origin.** “Program of origin” means the licensed or certified program eligible for certification as an integrated dual diagnosis treatment program under part 9533.0030, subpart 1.

Subp. 30. **Protocol.** “Protocol” means a set of steps or actions to be taken to implement a process or standard procedure.

Subp. 31. **Psychoeducation.** “Psychoeducation” means individual, family, or group services designed to educate and support the individual and family in understanding symptoms, treatment components, and skill development; prevent relapse and the acquisition of comorbid disorders; and achieve optimal mental health and long-term resilience.

Subp. 32. **Recovery coach.** “Recovery coach” means an individual who has a mental health disorder, substance-related disorder, or co-occurring disorder, or an individual who has experience with addiction or mental illness in the individual’s family, or in close friendships, and has had experience that supports the individual’s understanding of the complications of the disorders. Recovery coaches provide a set of nonclinical, peer-based activities that engage, educate, and support an individual with co-occurring disorders, using the coach’s own personal, lived experiences of recovery.

Subp. 33. **Recovery philosophy.** “Recovery philosophy” means a philosophical framework for organizing health and human service systems that affirms hope for recovery, exemplifies a strength-based orientation, and offers a wide spectrum of services and supports aimed at promoting resilience and long-term recovery from co-occurring disorders.

Subp. 34. **Screening.** “Screening” means a brief process that occurs soon after an individual seeks services and indicates whether the individual is likely to have co-occurring mental health and substance-related disorders.

Subp. 35. **Staff or staff member.** “Staff” or “staff member” means an individual who works under the direction of the certificate holder regardless of the individual’s employment status. Examples include interns, consultants, and other individuals who work part time or who volunteer, and individuals who do not provide direct contact services as defined in *Minnesota Statutes*, section 245C.02, subdivision 11.

Subp. 36. **Stage of change.** “Stage of change” means an individual process involving progress through a series of psychological stages that relate to treatment readiness and acceptance of one’s problems. These stages are typically described as:

A. precontemplation, which refers to the stage at which one is not intending to take action in the foreseeable future, and unaware that one’s behavior is problematic;

Proposed Rules

B. contemplation, which refers to the stage at which one is beginning to recognize that one's behavior is problematic, and beginning to look at the pros and cons of one's continued actions;

C. preparation, which refers to the stage at which one is leaning toward taking action in the immediate future, and may begin taking small steps toward behavior change;

D. action, which refers to the stage at which one is making specific, overt modifications in modifying problem behaviors or in acquiring new healthy behaviors; and

E. maintenance, which refers to the stage at which one is sustaining action over time and working to prevent relapse.

Subp. 37. Stage of treatment. "Stage of treatment" means specific, identifiable phases of treatment that include:

A. engagement, which is forming a trusting working alliance or relationship between the provider and the client;

B. persuasion, which is helping the engaged client develop the motivation to participate in recovery-oriented interventions;

C. active treatment, which is helping the motivated client acquire skills and supports for managing illnesses and pursuing goals; and

D. maintenance, which is helping the client to sustain relapse prevention, or helping a client in stable remission develop and use strategies for maintaining recovery.

Subp. 38. Stage-wise treatment. "Stage-wise treatment" means interventions tailored to a client's stage of treatment by considering a client's readiness for and attitudes toward change, and whether the client is at the engagement, persuasion, active treatment, or relapse-prevention stage of treatment that is documented. The objective is to maintain a productive working relationship by avoiding pressure on the client to change too much, too quickly. Stage-wise treatment is based on research that shows that interventions appropriate at one stage may be ineffective or contraindicated at another stage.

Subp. 39. Substance-related disorder. "Substance-related disorder" means a pattern of substance use as defined in the Diagnostic and Statistical Manual of Mental Disorders-IV-TR (DSM), et seq. The section of the DSM-IV-TR that defines "substance-related disorder" is incorporated by reference. The current DSM was published by the American Psychiatric Association in 1994 in Washington, D.C. It is not subject to frequent change. The DSM is available through the Minitex interlibrary loan system.

Subp. 40. Telehealth. "Telehealth" means the exchange of medical information from one site to another via electronic communications for use to improve a client's health status. An example is videoconferencing. Telehealth does not include electronic mail or telephone text transmissions.

Subp. 41. Treatment for a substance-related disorder. "Treatment for a substance-related disorder" has the same meaning as that given for "chemical dependency treatment."

9533.0030 ELIGIBILITY FOR CERTIFICATION.

Subpart 1. Eligibility. An eligible provider must meet the requirements of parts 9533.0010 to 9533.0170, and be one or more of the following:

A. certified by the commissioner as a community mental health center or clinic under *Minnesota Statutes*, section 245.69, subdivision 2;

B. licensed by the commissioner as a nonresidential or residential chemical dependency treatment facility under chapter 9530 and *Minnesota Statutes*, section 254B.05;

C. licensed by tribal government as an American Indian program that provides treatment for substance-related disorders or mental health services;

D. licensed by the commissioner to provide adult intensive rehabilitative mental health services under *Minnesota Statutes*, section 256B.0622, or certified by the commissioner as an adult rehabilitative mental health service under *Minnesota Statutes*, section 256B.0622 or 256B.0623;

Proposed Rules

E. authorized by the commissioner to provide intensive nonresidential rehabilitative mental health services to recipients ages 16 to 21 under *Minnesota Statutes*, section 256B.0947;

F. licensed by the commissioner to operate a facility that provides residential care, treatment, or rehabilitation services on a 24-hour basis to children under part 2960.0430 or 2960.0580; or

G. a hospital facility licensed by the Department of Health under *Minnesota Statutes*, chapter 144.

Subp. 2. Compliance with preexisting requirements. The requirements of parts 9533.0010 to 9533.0140 are in addition to the statutory and rule requirements of the Department of Human Services or the Department of Health, whichever department regulates the program of origin or, in the case of tribal licensure, the tribal requirements that govern the program of origin. Failure to be in compliance with these additional requirements governing the program of origin is deemed to be a violation of this subpart.

9533.0040 TARGET POPULATION.

The certificate holder must design its program to be capable of furnishing services to the relatively intensive needs of the target population, although the certificate holder may elect to serve a broader spectrum of clients in its program. The target population is persons experiencing problems with a substance-related disorder and mental illness whose acute or chronic symptoms would be best served through integrated dual diagnosis treatment services. The target population typically includes the following:

A. an individual assessed as having both a substance-related disorder and, for an adult, a diagnosis of schizophrenia, schizoaffective disorder, or a major mood disorder, including major depressive disorder and bipolar disorder; or, for a child, an emotional disturbance or severe emotional disturbance according to *Minnesota Statutes*, section 245.4871, subdivisions 6 and 15; or

B. an individual with co-occurring disorders and impaired role functioning demonstrated by one or more of the following characteristics:

(1) a pattern of high use of acute care services, based on the number of inpatient hospitalizations, time spent in the hospital, and use of emergency services;

(2) during the previous six months, substantial uncertainty in living conditions, including homelessness, housing instability, incarceration, or frequent law enforcement encounters;

(3) a persistent pattern of nonengagement in mental health services or treatment for a substance-related disorder, despite continuing outreach directed at the client;

(4) presentation with active symptoms of substance use, active psychiatric symptoms, or both, including circumstances where present symptoms are severe and ongoing or create a crisis for the client; or

(5) presentation with chronic symptoms of mental health disability, a substance-related disorder, or both.

9533.0050 POLICIES, PROCEDURES, AND PROTOCOLS.

Subpart 1. Policies, procedures, and protocols. The certificate holder must develop program policies, procedures, and protocols necessary to maintain compliance with parts 9533.0010 to 9533.0140 and must adhere to these policies, procedures, and protocols. The certificate holder must keep program policies, procedures, and protocols readily accessible to staff and index these with a table of contents or another method approved by the commissioner.

Subp. 2. Medicine and drug management requirements. If the certificate holder's services include medication or drug administration that is not already governed by other law stating medication and drug management requirements, the certificate holder must adopt a policy that includes, at a minimum, the requirements in part 9530.6435, subparts 3 and 4.

Subp. 3. Behavioral emergency procedures. The certificate holder must:

A. for adult programs, adopt a policy that incorporates behavioral emergency procedures in part 9530.6475 and mental health crisis stabilization services in *Minnesota Statutes*, section 256B.0624, subdivision 2, paragraph (e); and

B. for children's programs, adopt a policy that incorporates behavioral emergency procedures in part 9530.6475 and response actions required under *Minnesota Statutes*, section 256B.0944, subdivisions 6 to 8.

Proposed Rules

Subp. 4. **Training and implementation.** The certificate holder shall:

- A. provide training to program staff related to their duties in implementing the program's policies, procedures, and protocols;
- B. document the provision of this training; and
- C. monitor implementation of policies and procedures by program staff.

9533.0060 PROGRAM STRUCTURE AND PRACTICE PRINCIPLES.

Subpart 1. **Program structure.** The certificate holder must:

- A. adopt a program mission statement stating that the certificate holder is able to provide and offer integrated dual diagnosis treatment;
- B. establish an integrated dual diagnosis treatment structure that facilitates the integration of substance-related disorder and mental health clinical treatment services;
- C. provide integrated dual diagnosis services through a multidisciplinary team according to part 9533.0110; and
- D. use a billing structure that is amenable to reimbursement of integrated dual diagnosis treatment, if funding becomes available.

Subp. 2. **Practice principles.** The certificate holder must establish its integrated dual diagnosis treatment program based on a set of core practice principles. These principles require the certificate holder to:

- A. view a client as able to:
 - (1) participate fully in treatment;
 - (2) share in treatment decisions, when appropriate; and
 - (3) offer expertise about the client's life;
- B. provide stage-wise treatment conducted using interventions that are stage-appropriate and individualized based on the client's stage of readiness for, and attitudes about, change;
- C. provide strengths-based treatment that identifies and capitalizes on existing client strengths and seeks to maximize opportunities to enhance new strengths;
- D. provide mental illness and substance-related disorder treatment within the same episode of care;
- E. use a single integrated treatment plan to address co-occurring disorders and identify integrated treatment interventions;
- F. address the complexity of client needs to support recovery in other major life areas, such as physical health issues, housing, and employment;
- G. involve family, guardians, or other support figures in the treatment process through input to and feedback from such figures, before, during, and after treatment, except when this is counter-therapeutic or such figures are unable or unwilling to participate;
- H. provide psychoeducation for the client, the client's family, guardians, and other support figures regarding the interaction of mental health and substance-related disorders;
- I. provide treatment tailored to the individual's developmental and cognitive level;
- J. incorporate evidence-based treatment practices shown to be effective in treating mental illness, substance-related disorders, and co-occurring disorders;
- K. focus on ongoing engagement through treatment services that are based not on an episode of care, but on continual assessment of progress and recovery;

Proposed Rules

L. endorse a recovery philosophy reflected in a formal mechanism for follow-up care, with an equal focus on treatment for substance-related disorders and mental illness;

M. recognize that although full recovery from both substance-related and mental health disorders is an ideal goal, repeated interventions may be needed over the long term and symptom reduction is considered progress; and

N. recognize and remain sensitive to issues related to culture, acculturation, and ethnic diversity, and recognize the client's cultural beliefs and values through culturally responsive services.

9533.0070 SCREENING REQUIREMENTS.

Subpart 1. **Screening required.** Staff who perform chemical dependency assessments must screen clients for mental health disorders. Staff who perform mental health diagnostic assessments must screen for substance-related disorders.

Subp. 2. **Protocol.** The certificate holder must adopt a screening protocol that sets out the requirements in items A to C.

A. The certificate holder must screen clients who are age 12 and older.

B. Screening is required at least annually for each client, and when staff perform a mental health diagnostic assessment or a substance-related disorder assessment. Notwithstanding this requirement, screening is not required when:

(1) the presence of co-occurring disorders was documented in the past 12 months;

(2) the individual is currently receiving co-occurring disorders treatment; or

(3) the individual has been referred to the certificate holder for co-occurring disorders treatment.

C. The certificate holder must set out in the protocol the screening process it uses. The protocol must state:

(1) which standardized screening tool approved by the commissioner will be used;

(2) what actions the certificate holder will take to determine the client's acute intoxication and withdrawal potential according to part 9530.6622, subpart 1;

(3) whether the screen is self-administered or part of a structured interview;

(4) how to score client responses;

(5) what constitutes a positive score;

(6) what actions the certificate holder will take in response to a client's positive score; and

(7) how the certificate holder documents the following:

(a) the screening results;

(b) what actions staff must take in response to the results; and

(c) whether assessments must be performed.

9533.0080 DIAGNOSES.

The certificate holder must make a preliminary determination and document whether the client has a co-occurring substance-related disorder and mental illness. The certificate holder must obtain the diagnoses in one of the following two ways:

A. document existing diagnoses determined by the referral source, as long as the diagnoses:

(1) are determined according to the DSM; and

(2) were made within the previous 180 days, and significant changes in the client's condition have not occurred; or

Proposed Rules

B. perform a diagnostic assessment as defined in part 9505.0372, subpart 1.

9533.0090 INTEGRATED ASSESSMENT.

Subpart 1. Integrated assessment required. When the certificate holder has made a preliminary determination that the client has a co-occurring substance-related disorder and mental illness, the certificate holder must complete an integrated assessment that includes all of the information required in subparts 3 to 5 and parts 9505.0372, subpart 1, and 9530.6422, subpart 1.

Subp. 2. Timing. For residential programs, the integrated assessment must be completed no more than ten days after admission. For outpatient programs, the integrated assessment must be completed within the first three client sessions. For all programs that provide treatment for children, the certificate holder must prepare a new integrated assessment for a child client every six months.

Subp. 3. Supplemental information. The integrated assessment must be supplemented to include:

A. a level of care assessment using a standardized tool, if a level of care determination has not been made within the previous 30 days. The level of care assessment must document how the needs of the client match the corresponding level of care of integrated treatment determined necessary;

B. a longitudinal review of the interaction between substance use and psychiatric symptoms and the consequences to the client's health, relationships, and emotional functioning;

C. an assessment of a client's stage of treatment and motivation for change;

D. documentation of a client's relevant strengths and indication of how these may be useful in treatment; and

E. information from collateral sources about the client when available.

Subp. 4. Integrated assessment summary. The certificate holder must use the comprehensive information gathered during the assessment to culminate in an integrated assessment summary that will later lead to the creation of a single integrated treatment plan. This integrated assessment summary must include:

A. a case conceptualization that identifies antecedents, responses toward, and consequences of symptoms and maladaptive behaviors of both disorders and their interaction across key areas of a client's life functions;

B. a description of how the client's symptoms and behaviors associated with one disorder affect or impact the expression of symptoms and severity of the other disorder;

C. a description of situational factors in which the client's substance use behavior does and does not occur;

D. a description of the client's domains of behavior and symptoms that have been most challenging to recovery or have led to crises;

E. a description of the factors that contribute to the client's stability and relapse for both disorders and how the interaction of the disorders affects stability and ability to benefit from treatment;

F. consideration of referral for pharmacological treatments; and

G. a preliminary treatment plan that states specific treatment recommendations. When developing these treatment recommendations, the certificate holder must consider:

(1) the client's stage of treatment, motivation for change, and strengths; and

(2) the symptoms and behaviors related to both disorders.

Subp. 5. Post-assessment determination about program suitability. When the client is confirmed through the assessment process to have co-occurring disorders, the certificate holder must review the assessment results and conclusions and document whether the integrated dual diagnosis program is appropriate to meet the client's needs. If not, the certificate holder must refer the client to an appropriate program or provider for treatment.

Proposed Rules

Subp. 6. Integrated assessment updates. For adult clients, the integrated assessment must be updated annually. Notwithstanding this requirement, the integrated assessment must be promptly updated if the multidisciplinary treatment team determines that the client's co-occurring condition has significantly changed. The integrated assessment update must:

- A. update the most recent integrated assessment information referred to in subparts 1, 3, and 4 based on an interview with the client;
- B. include a written update of those areas where significant new or changed information exists; and
- C. document those areas where there has been no significant change.

9533.0100 INTEGRATED TREATMENT PLAN.

The certificate holder must:

- A. adopt a protocol that requires completion of an integrated treatment plan:
 - (1) in residential programs, no more than 14 days after the integrated assessment is completed; and
 - (2) in outpatient programs, no more than 30 days after the integrated assessment is completed;
- B. prepare the client's integrated treatment plan by integrating information obtained during the processes described in parts 9533.0080 and 9533.0090 into a set of actions to be taken by the treatment team; and
- C. adopt a protocol that requires updates to the integrated treatment plan to reflect the client's individual needs relevant to the client's stage of change and stage of treatment:
 - (1) in residential programs, every 14 days; or
 - (2) in outpatient programs, every 30 days.

9533.0110 STAFFING REQUIREMENTS.

Subpart 1. Multidisciplinary team. The certificate holder must provide integrated dual diagnosis treatment through a multidisciplinary team of persons who are either employed by or have a written agreement to provide services for the certificate holder. The multidisciplinary team must include:

- A. a prescribing provider who is one of the following:
 - (1) a psychiatrist licensed as a physician under *Minnesota Statutes*, chapter 147, and certified by the American Board of Psychiatry and Neurology or eligible for board certification;
 - (2) a primary care physician licensed under *Minnesota Statutes*, chapter 147, who works in consultation with a psychiatrist as defined in subitem (1); or
 - (3) a psychiatric nurse with prescribing authority who meets the requirements of *Minnesota Statutes*, section 245.462, subdivision 18, clause (1);
- B. an integrated treatment team leader who meets the requirements of part 9505.0371, subpart 5, item D, subitems (1) to (6), or 9530.6450, subpart 4, and who:
 - (1) holds a current credential in the realm of integrated dual diagnosis treatment from a nationally recognized certification body approved by the commissioner; or
 - (2) is approved by the commissioner or the commissioner's designated representative as having demonstrated knowledge of both substance-related disorders and serious mental illnesses and the complexity of interactions between them, and skills that have been found to be effective in treating individuals with co-occurring disorders;
- C. a mental health professional who is qualified in one of the following ways:
 - (1) a psychiatrist who meets the requirements of item A, subitem (1);
 - (2) in clinical social work, a person licensed as an independent clinical social worker by the Minnesota Board of Social Work under *Minnesota Statutes*, chapter 148E;

Proposed Rules

(3) in psychology, a person licensed by the Minnesota Board of Psychology under *Minnesota Statutes*, sections 148.88 to 148.98, who has stated to the board competencies in the diagnosis and treatment of mental illness;

(4) in marriage and family therapy, a person licensed as a marriage and family therapist by the Minnesota Board of Marriage and Family Therapy under *Minnesota Statutes*, sections 148B.29 to 148B.39, and defined in parts 5300.0100 to 5300.0350;

(5) in professional counseling, a person licensed as a professional clinical counselor by the Minnesota Board of Behavioral Health and Therapy under *Minnesota Statutes*, section 148B.5301;

(6) in psychiatric nursing, a registered nurse who is licensed under *Minnesota Statutes*, sections 148.171 to 148.285, and meets one of the following criteria:

(a) is certified as a clinical nurse specialist;

(b) for children, is certified as a nurse practitioner in child, adolescent, or family psychiatric and mental health nursing by a national nurse certification organization; or

(c) for adults, is certified as a nurse practitioner in adult or family psychiatric and mental health nursing by a national nurse certification organization;

(7) a tribally approved mental health care professional, who meets the standards in *Minnesota Statutes*, section 256B.02, subdivision 7, paragraphs (b) and (c), and who is serving a federally recognized Indian tribe; or

(8) for programs certified as adult rehabilitative mental health services under *Minnesota Statutes*, section 256B.0623, a person with a master's degree from an accredited college or university in one of the behavioral sciences or related fields, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

D. a care coordinator who provides the services described in part 9533.0020, subpart 3;

E. a licensed alcohol and drug counselor as described in *Minnesota Statutes*, section 148F.01, subdivision 5, or a counselor who otherwise meets the training, experience, and other requirements in part 9530.6450, subpart 5; and

F. in programs for adults:

(1) a certified peer specialist; or

(2) a recovery coach who holds a current credential from a recognized certification body approved by the commissioner. This item is effective July 1, 2016.

Subp. 2. **Staffing.**

A. Each multidisciplinary team member must provide an average of at least eight hours per week of integrated dual diagnosis treatment service within the program.

B. If a team member meets the requirements for more than one item in subpart 1, items A to F, then the team member may satisfy the requirements for a maximum of two items. Only one team member may satisfy the requirements for two items.

C. Team members may provide services through telehealth.

D. A client may elect to receive psychiatric services from a provider who is not a member of the multidisciplinary team but with whom the client has a preexisting relationship. If the client does so, the multidisciplinary team must provide related care coordination according to part 9533.0120, subpart 6.

Subp. 3. **Competency.** Screening, assessment, and integrated dual diagnosis treatment services must be provided by staff who have demonstrated competency in their scope of practice.

Subp. 4. **Documentation of qualifications.** The certificate holder must maintain all staff qualification documentation in the employee's

Proposed Rules

personnel file or other appropriate personnel record.

9533.0120 STAFF RESPONSIBILITIES DURING ASSESSMENT AND TREATMENT.

Subpart 1. Treatment team leader. Staff must have routine access to a certified or approved integrated treatment team leader for the treatment of co-occurring disorders. The integrated treatment team leader must be on site or available for consultation. The integrated treatment team leader must supervise the integrated case consultation required under subpart 4. The integrated treatment team leader must:

A. in the instance of a mental health professional acting as the supervisor, comply with the requirements of part 9505.0371, subpart 5, item D, subitems (7) to (16); and

B. in the instance of an individual other than a mental health professional acting as the supervisor, comply with the requirements of part 9505.0371, subpart 5, item D, subitems (8) and (11) to (16).

Subp. 2. Staff role in integrated assessment. The certificate holder must establish a protocol for the multidisciplinary team to:

A. participate in information gathering to inform an integrated assessment that addresses both the substance-related disorder and mental illness, and the interaction of the disorders; and

B. share responsibility for the development of an integrated assessment through formal interaction and cooperation in initial assessment, ongoing reassessment, treatment plan updates, and treatment.

Subp. 3. Staff role in integrated treatment. The certificate holder must establish a protocol for the multidisciplinary team to:

A. participate in the development of a single treatment plan that addresses both the substance-related disorder and mental illness, and the interaction of the disorders; and

B. share responsibility for the implementation of the treatment plan through formal interaction and cooperation in ongoing reassessment and treatment of the client.

Subp. 4. Integrated case consultation. The certificate holder must perform integrated case consultation for collaborative review of the client's progress and response to treatment. During the integrated case consultation, the certificate holder must:

A. ensure the consultation is supervised by the integrated treatment team leader;

B. address high-risk clients;

C. use a standard, structured format;

D. use a multidisciplinary perspective based on attendance of all of the multidisciplinary team members identified in part 9533.0110, subpart 1, to contribute to treatment plan development and ongoing treatment adjustment; and

E. update the integrated treatment plan based on client progress and response to treatment:

(1) in residential programs, every 14 days; or

(2) in outpatient programs, every 30 days.

Subp. 5. Monitoring during treatment. The certificate holder must:

A. document that staff monitor and assess the interactive courses of both the mental health and substance-related disorders during treatment;

B. describe the history, chronology, and interaction of both disorders in a specific section of the client's record; and

C. examine the information described in item B with a long-term view.

Subp. 6. Care coordination. The certificate holder must provide care coordination.

9533.0130 CORE TREATMENT SERVICES.

Subpart 1. Required services. Unless the certificate holder has documented clinical contraindication of a service for the client and the

Proposed Rules

rationale for the contraindication, the certificate holder must offer, or have a written agreement in place to offer, and must document the provision of the services in subparts 2 to 11 to program clients.

Subp. 2. **Individual and group counseling.** The certificate holder must offer individual and group counseling that considers the client's stage of change orientation to help the client:

- A. identify and address problems related to substance-related disorders, mental health disorders, and the interaction between them;
- B. develop strategies to avoid inappropriate substance use; and
- C. maintain mental health gains and stability after discharge.

Subp. 3. **Motivational interviewing.** The certificate holder must:

- A. adopt and routinely use a protocol for assessment of treatment stage and motivation for change;
- B. use a tool approved by the commissioner to assess motivation for change; and
- C. use motivational interviewing to help the client recognize how the client's substance-related disorder and mental illness symptoms interfere with the client's ability to achieve personally valued goals, and become motivated to work on symptom management to pursue these goals.

Subp. 4. **Engagement and outreach techniques.** The certificate holder must offer an array of assertive engagement outreach techniques. The techniques must be appropriate to the individual's stage of change and designed to:

- A. engage the client in treatment; and
- B. foster a therapeutic relationship.

Subp. 5. **Evidence-based procedures for delivering treatment.** The certificate holder must offer evidence-based procedures for delivering treatment, which may include cognitive-behavioral approaches, techniques, or strategies that address the interaction of the co-occurring disorders. The procedures must address the needs of the client based on the client's stage of treatment.

Subp. 6. **Family-based interventions.** The certificate holder must offer family-based interventions that use evidence-based practices, when the certificate holder determines these are available for the client's particular disorders.

Subp. 7. **Psychoeducation.** The certificate holder must offer psychoeducation about mental health and substance-related disorders, including treatment information and the characteristics, features, and interactive course of both types of disorders.

Subp. 8. **Dual disorder groups.** The certificate holder must offer dual disorder groups that meet the client's needs based on the client's stage of treatment, including:

- A. a stage-based treatment group; and
- B. a social skills training group.

Subp. 9. **Access to peer support.** The certificate holder must facilitate client access to peer support. The certificate holder must offer individual interventions to clients that include:

- A. assisting the client to develop a support system that involves relationships with individual peer supports;
- B. referral assistance, such as being referred, accompanied, or introduced to peer-led self-help groups by clinical staff, designated liaisons, or peer support group volunteers;
- C. help to find peer support groups with accepting attitudes toward people with co-occurring disorders and the use of psychotropic medication;
- D. routine facilitation intended to engage patients in mental health peer support groups, or groups specific to the client's mental health and substance-related disorders;

E. strategies to help the client connect with peer recovery support groups;

F. documentation in treatment plans or progress notes that indicate the certificate holder regularly discusses with clients the possibility of linkage with peer support groups. The certificate holder must attempt to proactively plan for potential barriers or difficulties the client might experience in the peer support group environment;

G. identification of a liaison to assist the client transition to a peer support group, if the support is desired by the client; and

H. consultation with the peer support group on behalf of the individual regarding the specialized mental health needs of the individual.

Subp. 10. **Recovery coaching.** The certificate holder must offer recovery coaching that includes nonclinical, peer-based activities to engage, educate, and support the client in making life changes necessary to recover from co-occurring disorders. This subpart is effective July 1, 2016.

Subp. 11. **Psychopharmacological treatment.** The certificate holder must offer psychopharmacological treatment and adopt a protocol that states the prescribing provider must collaborate with the clinical team to:

A. address medication compliance;

B. reduce the client's use of potentially addictive medications; and

C. consider prescribing medications used in the treatment of substance-related disorders.

9533.0140 REQUIRED ANCILLARY SERVICES.

Subpart 1. **Ancillary services.** The certificate holder must provide or have a written agreement in place to provide the ancillary services in subparts 2 to 4.

Subp. 2. **Family psychoeducation.** The certificate holder must provide family psychoeducation that includes education about the possible interactions between mental health disorders and substance-related disorders, including how the disorders may worsen one another.

Subp. 3. **Illness management and recovery principles.** Illness management and recovery principles must be infused throughout treatment, and not provided as a discrete care session. The certificate holder must help the client:

A. set meaningful goals;

B. acquire information and skills to develop a greater sense of mastery over the client's psychiatric illness and substance-related disorder; and

C. work toward progress in the client's personal recovery.

Subp. 4. **Continuity of care.** The certificate holder must provide continuity of care through follow-up, with a focus on a long-term view of addiction recovery and mental health management. The certificate holder must:

A. have a formal protocol to coordinate mental health and substance-related disorders needs after high-intensity services are completed;

B. include in the protocol requirements for client follow-up at six months and one year after completion of high-intensity services; and

C. document the specific actions taken in compliance with the protocol for each client.

9533.0150 ORIENTATION AND TRAINING.

Subpart 1. **Plan for orientation and training.** The certificate holder must develop a plan to ensure that staff receive orientation and training. The plan must include the following requirements:

Proposed Rules

A. a formal process to provide orientation to all staff at the time the person begins work that includes:

(1) topics to be covered;

(2) identification of who will conduct the orientation; and

(3) the date by which orientation will be completed;

B. a formal process to evaluate the training needs of each staff person. The evaluation of training needs must occur when the staff person begins work and at least annually thereafter;

C. how the program determines when additional staff training is needed and when the additional training will be provided; and

D. a schedule of training opportunities for a 12-month period that is updated at least annually.

Subp. 2. **Basic training for all staff.** The certificate holder must ensure that all staff who have contact with clients receive basic training in concepts of co-occurring disorders and co-occurring disorder treatment. The basic training must occur within the first six months of commencing work and at least every two years thereafter. The basic training must minimally include:

A. recovery principles;

B. understanding one's own attitudes;

C. common substances of abuse;

D. the prevalence of co-occurring disorders;

E. screening and assessment procedures used in the program;

F. assessment;

G. common signs and symptoms of co-occurring disorders;

H. triage and brief interventions;

I. topics related to psychiatric and substance use crisis intervention and stabilization of persons with co-occurring disorders; and

J. treatment decision making.

Subp. 3. **Specialized training for treatment services staff.** The certificate holder must ensure that all staff who conduct individual or group sessions, or who provide clinical supervision or medication management:

A. receive specialized training at least every two years; and

B. have or obtain appropriate competencies and working knowledge of the specific integrated dual diagnosis treatment services provided by the staff member and specific to the staff member's position description.

Subp. 4. **Specialized training components.** The specialized training required under subpart 3 must minimally include:

A. knowledge of specific therapies and treatment interventions for clients with co-occurring disorders;

B. integrated assessment and diagnosis; and

C. basic knowledge of pharmacological interventions for co-occurring disorders.

9533.0160 QUALITY ASSURANCE AND IMPROVEMENT.

Subpart 1. **System to collect data for commissioner.** The certificate holder must implement and maintain a quality assurance system to evaluate the effectiveness of services being delivered and to capture program results. The certificate holder must:

Proposed Rules

A. use procedures and outcome measurement methods approved by the commissioner; and

B. submit process and outcome data as requested by the commissioner.

Subp. 2. Quality improvement plan. The certificate holder must adopt a quality improvement plan that requires the activities in items A to C. The quality improvement plan must include processes to perform these activities and to review the data or information obtained at least quarterly.

A. The certificate holder must measure client outcomes by:

(1) obtaining and evaluating feedback from the client, family members, staff, and referring agencies about the services provided; and

(2) evaluating the outcome data to identify ways to improve the effectiveness of the services and improve client outcomes.

B. The certificate holder must review significant incidents by:

(1) determining whether policies and procedures were followed;

(2) evaluating the staff's response to the critical and other significant incidents;

(3) assessing what could have prevented the critical and other significant incidents from occurring; and

(4) modifying policies, procedures, training plans, or recipients' individual treatment plans in response to the findings of the review.

C. The certificate holder must monitor compliance by:

(1) developing and maintaining a system for routine self-monitoring for compliance with the requirements of parts 9533.0010 to 9533.0170;

(2) maintaining documentation of self-monitoring for review by the commissioner upon request; and

(3) based on the results of self-monitoring, documenting reasonable efforts and action taken to improve the program's compliance with parts 9533.0010 to 9533.0170.

Subp. 3. Quality improvement plan review. An integrated treatment team leader must:

A. annually review, evaluate, and update the quality improvement plan;

B. document the actions the certificate holder will take as a result of information gained from implementing the plan;

C. establish goals for improved service delivery for the following year; and

D. evaluate and document the status of the previous year's goal.

9533.0170 PRIVACY OF CLIENT INFORMATION.

The certificate holder must comply with the Minnesota Government Data Practices Act, Minnesota health care provider requirements, and the Health Insurance Portability and Accountability Act (HIPAA). In addition, the certificate holder must also comply with *Minnesota Statutes*, section 144.294, subdivision 3, concerning release of mental health records, and the federal regulation governing Confidentiality of Alcohol and Drug Abuse Patient Records, *Code of Federal Regulations*, title 42, part 2. The certificate holder's use of electronic record keeping or electronic signatures does not alter the certificate holder's obligations to comply with applicable state and federal law and regulation.

9533.0180 STANDARDS FOR PROPOSED ADDITIONAL SCREENING TOOLS.

Subpart 1. Consideration by commissioner. On a semiannual basis, the commissioner shall consider for potential approval any additional screening tools proposed. The commissioner shall consider screening tools for approval based on the criteria in subparts 2 and 3.

Proposed Rules

Subp. 2. **Required characteristics.** The screening tool must:

- A. have a reading level compatible with the population being screened;
- B. be easily administered and scored by a nonclinician;
- C. be tested in the general population and at the national level;
- D. have demonstrated adequate reliability and validity;
- E. have a minimum documented statistical sensitivity of .70 and overall specificity of .70; and
- F. predict a range of diagnosable mental health conditions, or the likelihood of substance-related disorders.

Subp. 3. **Preferred characteristics.** The commissioner shall also evaluate the proposed tool according to whether it meets preferred characteristics. A tool receives a more favorable evaluation when it:

- A. is concise, typically taking roughly ten minutes to complete or, for each rating scale, contains ten or fewer items;
- B. has been widely used for adults and adolescents;
- C. is available for use in a format that can be used either as part of an interview or through self-report;
- D. is validated for more than one cultural background;
- E. is validated for linguistic strength; or

F. is recognized by the federal Department of Health and Human Services, Substance Abuse and Mental Health Services Administration.

EFFECTIVE DATE. Parts 9533.0110, subpart 1, item F, and 9533.0130, subpart 10, are effective July 1, 2016. All other provisions of parts 9533.0010 to 9533.0180 are effective according to the time frame established in *Minnesota Statutes*, chapter 14.

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule. If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed. If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

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 Pollution Control Agency (MPCA) Adopted Permanent Rules Relating to Greenhouse Gas Permit Requirements

The rules proposed and published at *State Register*, Volume 37, Number 2, pages 47-50, July 9, 2012 (37 SR 47), are adopted with the following modifications:

7007.0150 PERMIT REQUIRED.

Subpart 1. **Prohibition.**

B. Requirements related to greenhouse gases for the timing to construct modifications are as follows:

(1) if, on July 1, 2011, owners or operators held a part 70 or state air emission permit or compliance schedule that was issued before July 1, 2011, and that authorizes or allows a pending modification, the owners and operators may not begin actual construction of any modification until the owners and operators assess the emissions of GHGs as CO₂e under Code of Federal Regulations, title 40, section 52.21. ~~This assessment was due by July 1, 2011, under temporary rules adopted on January 24, 2011;~~ and

7007.1450 MINOR AND MODERATE PERMIT AMENDMENTS.

Subp. 2. **Minor amendment applicability.** Except as provided in subpart 1, the agency may amend a permit to change permit conditions, unless the change to permit conditions otherwise requires a major amendment or can be made through an administrative amendment. The agency may allow a modification under the minor permit amendment process of this part if the modification will not cause an increase in emissions of an air pollutant listed below in an amount greater than the threshold. If a regulatory change results in existing insignificant activities no longer qualifying as such, the owners and operators must submit an application within ~~30~~ 120 days of the regulation's effective date to incorporate those emission units or activities into the facility's permit:

Pollutant	Threshold
NO _x	9.13 pounds per hour
SO ₂	9.13 pounds per hour
VOCs	9.13 pounds per hour
PM-10	3.42 pounds per hour
CO	22.80 pounds per hour
Lead	.11 pounds per hour

For purposes of this part, whether or not the proposed change will cause an increase in emissions shall be calculated as described in part 7007.1200. Modifications or changes to permit conditions which would otherwise qualify for a minor or moderate amendment under this part may be title I modifications, for which a major amendment is required, using the methods of calculation required under title I of the act. Permittees are reminded to review the definition of title I modifications and requirements of title I of the act.

Adopted Rules

Department of Public Safety

Adopted Permanent Rules Relating to Pilot/Escort Vehicles Accompanying Oversize Vehicles

The rules proposed and published at *State Register*, Volume 36, Number 8, pages 265-273, September 12, 2011 (36 SR 265), are adopted with the following modifications:

7455.0100 DEFINITIONS.

Subp. 2. **Certified licensed peace officer.** “Certified licensed peace officer” means a law enforcement officer operating licensed under Minnesota Statutes, sections 626.84 to 626.863, who holds a certificate under Minnesota Statutes, section 299D.085, and may operate an authorized emergency vehicle that can and direct and control traffic and require traffic to yield to an overdimensional load.

Subp. 3. **Certified pilot/escort driver (CPED).** “Certified pilot/escort driver (CPED)” means an individual who holds a certificate under Minnesota Statutes, section 299D.085, authorized to control and direct traffic as a flagger during the movement of an overdimensional load following the Manual on Uniform Traffic Control Devices (MUTCD) standards as defined by the Federal Highway Administration (FHWA) and adopted by reference under Minnesota Statutes, section 169.06, subdivision 4. A certified pilot/escort driver is prohibited from allowing the driver’s vehicle to cross the roadway center during traffic direction and shall not control traffic within an intersection controlled by a lighted traffic control device.

Subp. 6. **Flagger.** “Flagger” means a person who actively controls the flow of vehicular traffic into, through, or into and through a temporary traffic control zone using hand-signaling devices or an automated flagger assistance device (AFAD).

Subp. 7. **Minnesota Department of Transportation’s Minnesota Flagging Handbook.** “Minnesota Department of Transportation’s Minnesota Flagging Handbook” means the Minnesota Department of Transportation’s Minnesota Flagging Handbook which is part of the Minnesota Manual on Uniform Traffic Control Devices, authored and published by the Minnesota Department of Transportation, February 2011, and is incorporated by reference. This handbook is reviewed and updated every four years or when a change is made to the Federal Manual on Uniform Traffic Control Devices, or changes in statutes and is available to the public for viewing and free downloading at <http://www.dot.state.mn.us/trafficeng/publ/mutcd/index.html>.

Subp. 6. **8. MUTCD.** “MUTCD” means the Manual on Uniform Traffic Control Devices, authored and published by the Federal Highway Administration, December 2009, and is incorporated by reference. This MUTCD is updated approximately every five to six years and is available to the public for viewing and free downloading at http://mutcd.fhwa.dot.gov/kno_2009r1r2.htm.

Subp. 7. **9. Overdimensional load.** “Overdimensional load” has the meaning given in *Minnesota Statutes*, section 299D.085, subdivision 1.

Subp. 10. **Pilot/Escort Training Manual - Best Practices Guidelines.** “Pilot/Escort Training Manual - Best Practices Guidelines” means the Pilot/Escort Training Manual - Best Practices Guidelines as endorsed by the Specialized Carriers and Rigging Association (SC&RA), Federal Highway Administration (FHWA), in cooperation with the Commercial Vehicle Safety Alliance (CVSA), authored and published cooperatively by the SC&RA, FHWA, and CVSA, October 2004, and is incorporated by reference. This manual is subject to change and is available to the public for viewing and free downloading at http://www.ops.fhwa.dot.gov/freight/documents/pilotcar_bpguideline/index.htm.

Subp. 8. **11. Section.** “Section” means the Commercial Vehicle Enforcement Section of the Minnesota State Patrol.

Subp. 12. **Tillerman/steerman.** “Tillerman/steerman” means a person that has the designated responsibility and duty of controlling the steering of the rear axles of a commercial vehicle using a wired or wireless remote control device while the commercial vehicle is operating on any public highway.

7455.0300 PILOT/ESCORT DRIVER CERTIFICATION PROCESS.

Subpart 1. **Certification course.**

A. Drivers domiciled in Minnesota shall complete a pilot/escort certification course accepted, approved, or authorized by the

Adopted Rules

department. Upon successful completion of the certification course, drivers must be issued a certification card by a Minnesota-authorized training program. Upon a driver's successful completion of a training program authorized by the commissioner, the training program must issue the driver proof of course completion. The commissioner shall issue a certification card to drivers who demonstrate that they are at least 18 years of age, possess a valid operator's license for the type of vehicle being operated, have successfully completed a training program authorized by the commissioner, and meet all additional requirements in this chapter. The cost of the initial certification course shall be set at \$180. The cost of one additional four-year certification shall be set at \$90.

B. The Department of Public Safety partnering with Minnesota State Colleges and Universities (MnSCU) shall develop training curriculum and utilize experienced instructors within the department and MnSCU to provide the training through MnSCU facilities.

C. The civilian course curriculum shall include, at a minimum, the following:

- (1) driver requirements;
- (2) vehicle requirements;
- (3) permitting and reading an overdimensional load permit;
- (4) pilot/escort vehicle positioning and maneuvering;
- (5) authority while escorting, flagging and traffic control;
- (6) insurance;
- (7) pretrip planning and meeting;
- (8) communication;
- (9) height pole usage;
- (10) liability issues;
- (11) ground clearance;
- (12) route surveys and how to conduct them;
- (13) hours of service; and
- (14) railroad grade crossing safety.

D. The law enforcement course curriculum shall include, at a minimum, the following:

- (1) permit review;
- (2) hours of service;
- (3) route planning;
- (4) pretrip meeting;
- (5) vehicle positioning and maneuvering;
- (6) hand traffic direction;
- (7) following distances;

Adopted Rules

(8) right-of-way rules;

(9) traffic signals and signs;

(10) duties - front and rear;

(11) authority while escorting; and

(12) crash incident management.

Subp. 2. **Certification period.** Initial certification is valid for four years from the date of issue. One additional four-year certification may be obtained through a mail-in or online recertification process provided by a Minnesota-authorized training program. Pilot/escort drivers must attend a full certification course every eight years.

Subp. 3. **Certification reciprocity.** Pilot/escort drivers domiciled outside of Minnesota may operate as a certified pilot/escort driver with another state's certification credential, provided the course meets the minimum requirements outlined in the Pilot/Escort Training Manual - Best Practices Guidelines as endorsed by the Specialized Carriers and Rigging Association, Federal Highway Administration, in cooperation with the Commercial Vehicle Safety Alliance, which is incorporated by reference.

~~The department may enter into a reciprocal agreement with any other state if that state demonstrates that its course materials are comprehensive and meet the requirements outlined by the department, which must include flagging, height pole operations, insurance, instructor credentials, and auditing of this state's program.~~

The department shall enter into a reciprocal agreement with any other state if that state demonstrates that its course meets the minimum requirements outlined in the Pilot/Escort Training Manual - Best Practices Guidelines referenced in this subpart and complies with the requirements in this chapter.

Subp. 5. **Expiration.** Pilot/escort driver certification expires four years from the date issued. Upon expiration of the certification, an operator must again comply with the department's certification process. It is the responsibility of the driver to maintain certification.

7455.0400 SUSPENSIONS AND REVOCATIONS SUSPENSION, REVOCATION, AND DENIAL OF CERTIFICATION.

If the commissioner determines that a pilot/escort driver has committed a disqualifying offense within the previous four years, the commissioner shall deny, suspend, or revoke the driver's certification.

A. ~~Disqualifying offenses are convictions of the following traffic violations during the movement of an overdimensional load: Conviction of one of the following traffic violations during the movement of an overdimensional load within the past four years shall constitute grounds for denial of certification or disciplinary action against a certification; driving under the influence of alcohol or controlled substances, reckless driving, careless driving, excessive speeding (15 miles per hour or more above the posted speed limit), driving left of roadway center, failing to obey a traffic control device, and any other or a driving violation likely to result in that resulted in bodily injury.~~

B. ~~The department shall suspend the certification for a first offense for up to one year. Subsequent offenses may result in the permanent revocation of the convicted driver's certification. The certification shall be suspended for up to one year following the first conviction, depending upon the seriousness of the underlying conduct. Subsequent convictions shall constitute grounds for revocation of certification.~~

7455.0500 APPEALS PROCESS.

~~When a driver's certification is denied, suspended, or revoked, the individual may file an appeal. All appeals and hearings must be requested, provided, and conducted pursuant to the Administrative Procedure Act in *Minnesota Statutes*, chapter 14. Appeals must be made in writing and filed with the section commander. department shall notify the individual of the right to appeal the department's determination under the procedures of the Administrative Procedure Act, *Minnesota Statutes*, chapter 14. The notice of appeal shall be in writing and shall be filed with the section commander, Minnesota State Patrol Commercial Vehicle Section, 1110 Centre Pointe Curve, Suite 410, Mendota Heights, Minnesota, 55120, within 30 days of the individual's receipt of the department's determination. The section commander shall thereafter initiate a contested case proceeding following the procedures of the Administrative Procedure Act, *Minnesota Statutes*, chapter 14.~~

7455.0600 PILOT/ESCORT DRIVER REQUIREMENTS.

~~Individuals who operate a pilot/escort vehicle~~ Certified pilot/escort drivers and certified licensed peace officers operating a pilot or escort vehicle must meet the following requirements:

- A. ~~must~~ be a minimum of 18 years of age;
- B. ~~must~~ possess a valid operator's license for the type of vehicle being operated;
- C. ~~must~~ have the issued certification card in the driver's possession at all times while in pilot/escort operations;
- D. when operating a vehicle in excess of 10,000 pounds gross vehicle weight or gross vehicle weight rating, ~~must~~ comply with the regulations of the Federal Motor Carrier Safety Administration (FMCSA) in Code of Federal Regulations, title 49, parts ~~300 through 399~~ 382, 383, 390, 391, 392, 393, 394, 395, 396, and 397; and
- E. if operating as a front or rear pilot car driver, ~~may shall~~ not perform as a tillerman/steerman for the load being escorted. A tillerman/steerman ~~may shall~~ not be in the pilot/escort vehicle when a steering activity is being performed.

7455.0700 PILOT/ESCORT VEHICLE REQUIREMENTS.

- E. ~~The vehicle must not use equipment designated for use by emergency vehicles.~~
- F. Vehicles must not carry loads of cargo that reduce the visibility of the driver of the vehicle.
- G. ~~F.~~ Trailers must not be towed during the movement of the overdimensional load; ~~unless:~~
 - (1) the party involved is a building mover licensed by the commissioner of transportation under Minnesota Statutes, section 221.81; and
 - (2) the building being moved is not a temporary structure or manufactured housing.
- H. ~~G.~~ A vehicle must not contain a passenger under 16 years of age during the movement of the overdimensional load.
- I. ~~H.~~ A vehicle must contain a two-way simplex communication device with a transmission and receiving range of a minimum of one-half mile. This communication device must be compatible with accompanying pilot/escort vehicles, overdimensional load drivers, law enforcement officers if involved, and utility company vehicles if involved.
- J. ~~I.~~ Vehicles must have identification showing a company name, a federal Department of Transportation (USDOT) identification, or a city, state, and contact number, which must be legible from a distance of 50 feet.

7455.0800 PILOT/ESCORT VEHICLE SIGNING REQUIREMENTS.

Sign requirements on pilot/escort vehicles are as follows:

- A. A pilot/escort vehicle must display a ~~"LONG LOAD"~~ or ~~"WIDE LOAD"~~ an "OVERSIZE LOAD" sign mounted on the top of the vehicle. This sign must be displayed so that it is visible to both overtaking and oncoming traffic at all times during the pilot/escort operation. The sign must be clearly readable and legible at all times of operation. Bumper-mounted signs only are prohibited on the pilot/escort vehicle.

7455.0900 PILOT/ESCORT VEHICLE LIGHTING REQUIREMENTS.

- D. ~~Pilot/escort vehicles must not be equipped with lighting or equipment that is reserved for emergency vehicles.~~

7455.1000 PILOT/ESCORT VEHICLE SAFETY EQUIPMENT REQUIREMENTS.

~~Pilot/escort~~ Vehicles used in escort operations must be equipped with the following safety items:

- A. for vehicles operated by certified pilot/escort drivers (CPED):

A:

- (1) a minimum of one 18-to-24-inch STOP/SLOW paddle. This sign must be reflectorized for nighttime flagging operations. A

Adopted Rules

24-inch orange/red flag on a 36-inch staff may be used in an emergency flagging operation only.;

~~B. a hardhat approved by the federal Occupational Safety and Health Administration, for use by the pilot/escort driver.~~

~~C.~~

~~(2) a class 3 2 safety vest approved by the American National Standards Institute for use during any time the pilot/escort driver is outside the pilot/escort vehicle on any roadway as per current MUTCD standards.;~~

~~D.~~

~~(3) one flashlight with a lens width of 1.5 inches with extra batteries or charger. Emergency self-charging flashlights do not meet this requirement.;~~

~~E.~~

~~(4) one six-inch-long orange/red cone to fit the flashlight. Traffic wands are an acceptable alternative to the orange/red cone.;~~

~~F.~~

~~(5) nine reflective triangles or reflectorized 18-inch orange traffic cones with a single reflective band of six inches in height.;~~

~~G.~~

~~(6) eight fuses, flares, red glow sticks, or USDOT-approved alternative red-light-producing devices.;~~

~~H.~~

~~(7) three standard 18-inch orange traffic cones.;~~

~~I.~~

~~(8) one yellow, vinyl, or mesh "OVERSIZE LOAD" sign, seven feet wide by 18 inches tall with the letter a minimum height of ten inches with a 1.41-inch brush stroke.;~~

~~J.~~

~~(9) first aid kit clearly marked and labeled.;~~

~~K.~~

~~(10) a height pole, if required as a condition of the overdimensional load permit, which must be nonconductive, nondestructive, flexible, and frangible readily breakable and installed and in use by the front pilot car at all times when an overdimensional load exceeds 15 feet six inches in height.;~~

~~L.~~

~~(11) one ten-pound five-pound capacity or two five-pound capacity serviceable fire extinguishers extinguisher with an ABC rating.;~~

~~M.~~

~~(12) one handheld simplex two-way compatible communication device with a minimum transmission and receiving range of one-half mile. This device must be used in a flagging situation where the pilot/escort driver is outside the pilot/escort vehicle.;~~ and

B. for vehicles operated by certified licensed peace officers:

(1) a class 2 safety vest approved by the American National Standards Institute for use during any time the peace officer is outside the squad car on any roadway;

(2) one flashlight with a lens width of 1.5 inches with extra batteries or charger. Emergency self-charging flashlights do not meet this requirement;

(3) one six-inch long orange/red cone to fit the flashlight. Traffic wands are an acceptable alternative to the orange/red cone;

(4) eight fuses, flares, red glow sticks, or USDOT-approved alternative red-light producing devices;

(5) first aid kit clearly marked and labeled;

(6) one five-pound capacity serviceable fire extinguisher with an ABC rating; and

(7) one handheld simplex two-way compatible communication device with a minimum transmission and receiving range of one-half mile. This device must be provided by the carrier or pilot/escort company prior to the movement of the overdimensional load.

7455.1100 INSURANCE REQUIREMENTS.

Subpart 1. **Coverage for bodily injury and property damage.** A driver must possess a current certificate of insurance or endorsement that indicates that the driver, or the driver's employer, has in full force and effect insurance coverage for bodily injury and property damage as a result of ~~resulting from~~ the operation of the ~~escort pilot/escort vehicle, the escort vehicle operator, or both, causing the bodily injury or property damage arising out of~~ an act or omission by the ~~operator of the pilot/escort vehicle operator of the escort duties required by this chapter, or both.~~ The insurance or endorsement must be no less than \$1,000,000 combined single limit or \$1,000,000 per occurrence of commercial liability coverage, as applicable, and must be maintained at all times during the term of the certification. The insurance certificate must indicate on the face of the document that the policy is for the operation of pilot/escort vehicles and for pilot/escort duties and responsibilities as required by this chapter.

7455.1200 CERTIFIED PILOT/ESCORT DRIVER DUTIES.

A. A ~~pilot/escort vehicle used in escort operations by certified licensed peace officers and certified pilot/escort drivers~~ is prohibited from escorting more than one overdimensional vehicle or load at the same time, unless expressly authorized by the commissioner.

B. When ~~the pilot/escort vehicle is~~ vehicles used in escort operations are in front of the overdimensional vehicle or load being escorted, the operator shall:

C. When ~~the pilot/escort vehicle is~~ vehicles used in escort operations are behind the overdimensional vehicle or load, the pilot/escort driver shall:

7455.1400 PILOT/ESCORT FLAGGING REQUIREMENTS.

During the movement of an overdimensional load, the pilot/escort driver, in the performance of the flagging duties required by this chapter, may control and direct traffic to stop, slow, or proceed in any situation when deemed necessary to protect the motoring public from the hazards associated with the movement of the overdimensional load. The pilot/escort driver, acting as a flagger, may aid the overdimensional load in the safe movement along the highway designated on the overdimensional load permit and shall:

C. comply with the flagging procedures and requirements ~~as set forth~~ in the MUTCD and the Minnesota Department of Transportation Flagger Training Transportation's Minnesota Flagging Handbook.

Appointments

Minnesota Statutes, Section 15.06, Subd. 5. requires notice of the designation of a commissioner or acting commissioner, or the assumption of office by a temporary commissioner, shall be filed with the president of the senate and the speaker of the house with a copy delivered to the secretary of state and published in the next available edition of the *State Register*.

Minnesota Department of Transportation (Mn/DOT) Notice of Appointment of Commissioner Charles A. Zelle

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Mark Dayton appointed Charles A. Zelle to the office of Commissioner of the Minnesota Department of Transportation effective January 15, 2013. He replaces Commissioner Thomas K. Sorel, appointed January 3, 2011 and who held this position in the previous administration, having been appointed April 27, 2008.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Department of Transportation are:

- *Minnesota Statutes*, Chapters 11A, 13, 15A, 16B, 17, 84, 103A, 103C, 103E, 116, 116C, 117, 160-162, 165, 167, 169, 173, 174, 216C, 218, 219, 221, 222, 360, 457A and 505
- *Minnesota Rules* 8800-8870

Commissioner Zelle resides at 2100 East 26th Street, Minneapolis, Minnesota 55404, Hennepin County, Congressional District Five.

He can be reached at the Minnesota Department of Transportation, 395 John Ireland Boulevard, St. Paul, MN 55155. **Telephone:** (651) 366-3037. **Toll-free:** 1-800-657-3994. **Web site:** <http://www.dot.state.mn.us> **E-mail:** info@dot.state.mn.us **Road Condition Information:** dial 5-1-1, or go to: <http://www.511mn.org>

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.

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Governor's Residence Council Notice of 2013 Meetings

NOTICE IS HEREBY GIVEN that the Governor's Residence Council will meet on the following dates at 9:30 a.m. at the Governor's Residence, 1006 Summit Avenue, Saint Paul, MN to consider matters which may properly come before the Council in accordance with *Minnesota Statutes* 16B.27.

January 9
March 13
May 8
July 10
September 11
November 13

For additional information contact: Winnie Sullivan, Department of Administration at Winnie.Sullivan@state.mn.us or (651) 201-2556.

Minnesota Department of Health (MDH)

Division of Health Policy

Notice of Proposed Revised Rule: Minnesota Uniform Companion Guide for the Implementation of the ASC X12N/005010X214E2 Health Care Claim Acknowledgment (277)

Introduction. Notice is hereby given that the Minnesota Department of Health (MDH) is seeking information or opinions from outside sources regarding a proposed revised version (version 3.0) of the Minnesota Uniform Companion Guide (MUCG) for the ASC X12N/005010X214E2 Health Care Claim Acknowledgment (277). The revised version is proposed by the Commissioner of Health and was developed in consultation with the Minnesota Administrative Uniformity Committee (AUC) and its Acknowledgment Technical Advisory Group (TAG).

Contact Person. MDH requests information and opinions concerning the applicability and functionality of proposed revisions be submitted to Judy Edwards as described below. Interested persons or groups may submit data or views in writing, to be received no later

Official Notices

than 4:00 p.m. January 22, 2013. Electronic submissions should be sent in Word format. Written statements should be addressed to Judy Edwards, Minnesota Department of Health, P.O. Box 64882, St. Paul, MN 55164-0822, or submitted via e-mail at: health.asaguides@state.mn.us or faxed to: (651) 201-3830. E-mail is preferred.

Description of the Rules. *Minnesota Statutes*, section 62J.536, requires the Minnesota Commissioner of Health, in consultation with the Minnesota Administrative Uniformity Committee (AUC), to promulgate rules pursuant to section 62J.61 establishing and requiring group purchasers, clearinghouses, and health care providers to exchange specified health care administrative transactions electronically, using the applicable single, uniform companion guide adopted by the Commissioner of Health. Under *Minnesota Statutes*, section 62J.61, the Commissioner of Health is exempt from chapter 14, including section 14.386, in implementing sections 62J.50 to 62J.54, subdivision 3, and 62J.56 to 62J.59.

Technical Changes and Updates to Previously Adopted Rule. The Commissioner of Health, in consultation with the AUC and its Technical Advisory Groups (TAGs), has determined that it is necessary to make revisions to the ASC X12N/005010X214E2 Health Care Claim Acknowledgment (277) MUCG rule previously adopted in the Minnesota State Register, Volume 35, Number 26, December 27, 2010. The previously adopted 005010X214E2 MUCG was published as “version 2.0” and is available at:

<http://www.health.state.mn.us/asa/rules.html> .

The proposed new version of the rule is “version 3.0” and will be available at: <http://www.health.state.mn.us/asa/index.html> starting December 24, 2012.

The proposed version 3.0 rule describes the data content and other transaction specific characteristics of the transaction listed above, for use by entities subject to Minnesota Statutes, section 62J.536.

When the proposed rule is adopted, it:

- Is to be used in conjunction with all applicable Minnesota and federal regulations, including 45 CFR Parts 160, 162, and 164 (HIPAA Administrative Simplification, including adopted federal operating rules) and related ASC X12N and retail pharmacy specifications (ASC X12N and NCPDP implementation specifications).
- Will supplement, but will not otherwise modify, the ASC X12N and NCPDP implementation specifications in a manner that will make their implementation by users to be out of compliance.
- Must be appropriately incorporated by reference and/or the relevant transaction information must be displayed in any companion guides provided by entities subject to *Minnesota Statutes*, section 62J.536.

Modifications. The revisions in version 3.0 are proposed to improve the clarity and readability of the rule. As a result, the organization, content, and appearance of the proposed version 3.0 of the MUCG above are often different than the most recently adopted version (version 2.0), as summarized below.

The title page through section 4 in the version 2.0 MUCG have been reorganized, revised, renumbered, and in many cases shortened in version 3.0. In some cases, sections appearing in version 2.0 that are now considered as redundant or no longer necessary were not included in version 3.0. In particular:

- 1) A new cover page has been added to provide summary information regarding the document, including: the applicable statutes; a description of the document, including its purpose and relationship with other laws and related documents; and the status of the document (as a proposed rule for public comment). The cover page also includes a placeholder to indicate permission has been granted to use ASC X12 copyrighted material.
- 2) Information previously published on the inside front cover page and as section 4 (Introduction and Overview) in version 2.0 has been revised and relocated to new sections 1 (Overview) and 3 (How to use this document) in version 3.0.
- 3) The following sections in version 2.0 have been removed:
 - a. Section 2 (Statement of the Minnesota Department of Health);
 - b. Section 3 (Statement of the Minnesota Administrative Uniformity Committee (AUC)); and

- c. Much of the information published previously as Section 5.1 (Introduction to Table).
- 4) Section 4.1.2 (Applicability) from version 2.0 is now shown as Section 1.2 of version 3.0;
 - 5) A proposed new section 2 (Purpose of this document and its relationship with other applicable regulations) was added to version 3.0. This section repeats information from the cover page for emphasis, corrects the website address for obtaining a copy of the ASC X12 implementation specifications, and also has a placeholder to indicate that permission has been granted to use ASC X12 copyrighted material.
 - 6) The data content table in section 5 of version 2.0 has been appreciably shortened and moved to section 4 in version 3.0. The shorter table is a result of: an overall reorganization of the document; and listing only those loops, segments, and elements for which there are clarifications and/or instructions that are different than the ASC X12N implementation specifications.
 - 7) Other grammatical and formatting revisions were made throughout in the version 3.0 to improve readability, organization, and ease of use.

How to Obtain the Proposed Changes to Minnesota Uniform Companion Guides. Free copies of the proposed version 3.0 rule as described above are available for viewing or downloading on the World Wide Web starting December 24, 2012 at:

<http://www.health.state.mn.us/asa/>

Persons who wish to obtain paper copies should call Judy Edwards at MDH, (651) 201-3578, or fax a request to (651) 201-3830, or write or email to Judy Edwards at the address above, and clearly identify the document(s) being requested.

Public Review Process. As noted above, interested persons or groups may submit data or views in writing, to be received no later than 4:00 p.m. January 22, 2013. Electronic submissions, in Word format, are preferred. All submissions should be sent to Judy Edwards at the address above.

After the Commissioner of Health has considered all comments received, the Commissioner will publish a notice of adoption of the rule in the State Register, including any revisions to the above referenced proposed version 3.0 rule. The adopted version will be known as version 4.0 and will supersede any previous versions. The version 4.0 rule will take effect 30 days subsequent to the notice of adoption.

Dated: December 24, 2012

Edward P. Ehlinger, MD, MSPH, Commissioner
Minnesota Department of Health
P.O. Box 64975, St. Paul, MN 55164-0975

Minnesota Department of Health (MDH) Division of Compliance Monitoring Managed Care Systems Section Notice of Application for Essential Community Provider Status

NOTICE IS HEREBY GIVEN that an application for designation as an Essential Community Provider (ECP) has been submitted to the Commissioner of Health by Minneapolis Department of Health, School Based Clinic Program, 250 South 4th Street, Room 510, Minneapolis, MN 55415. The Minneapolis Department of Health School Based Clinics Program operates clinics in seven Minneapolis public high schools. They include: Edison High School; Washburn High School; South High School; Henry High School; Roosevelt High School; Southwest High School and Broadway/Longfellow Pregnant and Parenting High School.

An ECP is a health care provider that serves high-risk, special needs, and underserved individuals. In order to be designated as an ECP, a provider must demonstrate that it meets the requirements of *Minnesota Statutes* Section 62Q.19 and *Minnesota Rules* Chapter 4688. The public is allowed 30 days from the date of the publication of this notice to submit written comments on the application. The commissioner will approve or deny the application once the comment period and compliance review is complete.

Official Notices

For more information contact:

Michael McGinnis
Managed Care Systems Section
Division of Compliance Monitoring
Department of Health
P.O. Box 64882
St. Paul, MN 55164-0882
Phone: (651) 201-5174

Minnesota Department of Labor and Industry (DLI) Labor Standards Unit Notice of Prevailing Wage Determinations for Commercial Projects

On December 24, 2012, the commissioner determined and certified prevailing wage rates for Commercial construction projects in each of 87 Counties statewide.

Copies 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 at \$.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
Minnesota Department of Labor and Industry

Metropolitan Council Notice of Public Hearings on Regional Title VI Policies

The Metropolitan Council will hold several public hearings on proposed policies to define the procedures related to Title VI of the Civil Rights Act of 1964, which states: “no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” As required by the Federal Transit Administration’s new Title VI Circular 4702.1B, the Council will hold hearings on proposed policies related to “major service change,” “disparate impact,” and “disproportionate burden.”

The circular affects transit providers receiving federal funding in urbanized communities of more than 200,000 people and operating at least 50 vehicles during peak service hours. These agencies must establish policies that define the threshold for major service changes and the determination of disparate impact/disproportionate burden applied to Title VI equity analyses. This requirement affects services provided by the Metropolitan Council (including Metro Transit and Metropolitan Transportation Services), the Minnesota Valley Transit Authority (MVTA) and possibly SouthWest Transit. Policies must be approved by March 31, 2013.

All interested persons are encouraged to attend the meetings and offer comments. Those attending may register in advance to speak by calling the Council at (651) 602-1140.

Upon request, the Metropolitan Council will provide reasonable accommodations to persons with disabilities. **Two weeks advance notice, indicating the specific accommodation needed, is appreciated.** Please include the date, place and time of the hearing you will attend.

The public meetings and hearings will be held at the following times and locations:

- o **Feb. 6: 6-7:30 p.m.**
Southwest Station

13500 Technology Drive, Eden Prairie
Routes 684, 690, 695, 698

- o **Feb. 7: 6 to 7:30 p.m.**
Dakota County Library – Burnhaven Branch
1101 W. County Road 42, Burnsville
Served by Route 444

- o **Feb. 9: 12:30-2 p.m.**
Hennepin County Library – Augsburg Park Branch
7100 Nicollet Avenue, Richfield
Served by Route 18

- o **Feb. 12: 11 a.m. to 12:30 p.m.**
Minneapolis Urban League
2100 Plymouth Ave. N., Minneapolis
Served by Routes 7, 19

Feb. 13: 6-7:30 p.m.
St. Paul Eastside YMCA
875 Arcade Street, St. Paul
Served by Route 61

Additional public meetings may also be scheduled. Visit www.metrocouncil.org for additional information.

The Council will also receive comments on the proposed policies through **Feb. 25** as follows (comments must be received by **5 p.m.**):

- o **Written comments:** Metropolitan Council
390 N. Robert St., St. Paul, 55101
- o **Fax** comments to: (651) 602-1464
- o Send **TTY** comments to: (651) 291-0904
- o **E-mail:** public.info@metc.state.mn.us
- o **Record comments** on Council's Public Comment Line at (651) 602-1500

Staff will review public comment and evaluate changes to the proposed policies to address the comments submitted by the public. A recommendation for final adoption of the policies will be brought before the Metropolitan Council in March.

Minnesota Pollution Control Agency (MPCA) Municipal Division Notice of Public Meeting for Changes Based on Comments Received on the Certification of General Permit (RGP-003-MN)

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) requests comments to be given at a public meeting on the existing certification of United State Army Corps of Engineers (USACE) general permit RGP-003-MN. On January 30, 2012, the MPCA certified additional state conditions in general permit RGP-003-MN. However, since a number of parties have asked the MPCA to amend the 401 Certification, the MPCA has agreed to consider public comment and make amendments as appropriate.

Interested persons submitted comment to the MPCA during the public comment period. The MPCA has now revised the 401 Certification portion of general permit RGP-003-MN to reflect those comments.

The MPCA is now seeking feedback on the latest proposed changes to the 401 Certification. The MPCA will hold a public meeting at the Carlton County Transportation Building located at 1630 County Road 61, Carlton, MN 55718 on January 31st at 1:00 pm.

Official Notices

A copy of the proposed changes to the state 401 Certification is available electronically at:

<http://www.pca.state.mn.us/index.php/water/water-permits-and-rules/water-permits-and-forms/clean-water-act-section-401-water-quality-certifications.html>

or by hard copy, by contacting Jim Brist at (651) 757-2245 or: jim.brist@state.mn.us.

Jim Brist
Planner Principal
St. Paul Office
Municipal Division

If you have questions regarding this notice, please contact Jim Brist.

Dated: 12 December 2012

John Linc Stine, Commissioner
Minnesota Pollution Control Agency

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 Department of Transportation (“MnDOT”) has ordered that the following vendors be suspended for a period of sixty (60) days, effective November 30, 2012 until January 29, 2013:

- Marlon Louis Danner and his affiliates, South St. Paul, MN
- Danner, Inc. and its affiliates, South St. Paul, MN
- Bull Dog Leasing, Inc. and its affiliates, Inver Grove Heights, MN
- Danner Family Limited Partnership and its affiliates, South St. Paul, MN
- Ell-Z Trucking, Inc. and its affiliates, South St. Paul, MN
- Danner Environmental, Inc. and its affiliates, South St. Paul, MN

NOTICE OF DEBARMENT

NOTICE IS HEREBY GIVEN that the Department of Transportation (“MnDOT”) has ordered that the following vendors be 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

NOTICE IS HEREBY GIVEN that the Department of Transportation (“MnDOT”) has ordered that the following vendors be debarred for a period of three (3) years, effective March 25, 2011 until March 25, 2014:

- Philip Joseph Franklin, Leesburg, VA
- Franklin Drywall, Inc. and its affiliates, Little Canada, MN
- Master Drywall, Inc. and its affiliates, Little Canada, MN

Minnesota Statute 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 to a relative or any other party over whose actions the debarred person exercises substantial influence or control, remains ineligible during the duration of the seller’s or transfer’s debarment.

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.

On-going State Contracts

The state spends \$2-3 billion a year on contracts. The *State Register* is one of the best ways to advertise your contracts - 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 \$10.20 each 1/10 of a page, you cannot go wrong.

Subscribers receive a list of **all current contracts and grants**, as well as LINKS to the *State Register*; Bookmarks, and a growing INDEX to each volume, including the current issue, and previous volumes. To view, open the *State Register* and click on BOOKMARKS in the left hand corner. Here's what you receive via e-mail:

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- **E-mailed to you, on Friday**
- **Easy Access to *State Register* Archives**

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Minnesota Department of Commerce Notice of Availability of Contract for Audit Services for the Automobile Theft Prevention Grants Program

The Insurance Fraud Prevention Division of the Minnesota Department of Commerce is requesting proposals from qualified audit consulting firms to conduct a program audit to ensure the integrity of the Automobile Theft Prevention Grants Program.

A Request for Proposals will be available by email from this office through January 14, 2013.

A written request (by e-mail) is required to receive the Request for Proposal.

The Request for Proposal can be obtained from:

Robert Hernz
Director, Insurance Fraud Prevention
Minnesota Department of Commerce
85 – 7th Place East, Suite 500
St. Paul, MN 55101-2198
E-mail: robert.hernz@state.mn.us

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above not later than Monday, January 21, 2013, at 3:00 p.m., Central Time.

State Contracts

Late proposals will NOT be considered. Proposals submitted by fax 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.

Office of Enterprise Technology (OET) Notice of Request for Proposals for Digital Aerial Photography Proposals

The Minnesota Office of Enterprise Technology (OET) is requesting proposals to acquire 2013 and 2014 digital aerial photography for a 22,000 square mile area in Central Minnesota on behalf of a multi-agency collaborative. The OET requests cost and technical proposals for a baseline product, a stereo product over the same region and costs for potential resolution enhancements over selected areas, which the state may consider as options.

The winning vendor will be expected to:

- Collect four-band, leaf-off digital aerial photography during the spring of 2013 and 2014 for the project region, spanning the central and north central reaches of the state
- Process those data to provide a Baseline Product: 0.5-meter resolution ortho-rectified imagery in two formats: 1) county mosaics, and 2) USGS quarter-quadrangle-based tiles
- Provide separate stereo imagery for the entire project area in addition to the Baseline Product
- Provide cost information for optional enhancements to the Baseline Product, which include 0.3-meter resolution data in lieu of 0.5-meter products for selected counties
- Meet industry-standard accuracy and quality specifications
- Prepare full metadata records complying with state standards

Work is proposed to start after February 15, 2013.

The Request for Proposals can be obtained from:

Christopher Cialek, Project Coordinator
MnGeo; MN.IT Services Central
658 Cedar Street; Suite 300
St. Paul, MN 55155
E-mail: chris.cialek@state.mn.us
Telephone: (651) 201-2481

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 4:30 PM, Central Standard Time, January 17, 2013. **Late proposals will NOT be considered.** Faxed or e-mailed 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 Public Safety (DPS) State Patrol Training and Development Section Notice of Request for Proposals for Pre-employment Medical Evaluations of State Patrol Trooper Candidates and Student Workers

The Minnesota Department of Public Safety is seeking proposals from qualified licensed medical professionals to:

- Conduct pre-employment physical/medical examinations according to the established medical guidelines for approximately 80 State Patrol Trooper Candidates.
- Conduct pre-employment physical/medical examinations according to the established medical guidelines for approximately 10 State Patrol Student Workers.

Details are contained in a complete Request for Proposals, which may be obtained by calling or writing: {Note: email address has been corrected}

Lieutenant Steve Fischer
State Patrol Training & Development Section
1900 West County Road I
Shoreview, MN 55126
E-mail: *steven.j.fischer@state.mn.us*
Telephone: (651) 757-1911
Fax: (651) 628-6797

The initial contract will be for a one-year contract, from January 21, 2013 through December 31, 2013. The Department will retain an option to extend the contract for four additional one year periods. The value of the contract for subsequent years may be adjusted. All questions concerning the RFP should be emailed to Lt. Steve Fischer. Deadline for submitting and accepting questions will be December 27, 2012 at 2:00p.m. Central Standard Time (CST). A full collection of all questions and answers will be emailed to all entities requesting a complete RFP by the end of business day December 28, 2012. Final date for submitting proposals is 2:00p.m., Central Standard Time (CST), on January 7, 2013. **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 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.

Official Notices

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

Minnesota 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.

Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *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.

Vendors Sought for these Projects

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).

Metropolitan Airports Commission (MAC)

Anoka County - Blaine Airport

Notice of Call for Bids for 2013 Pavement Rehabilitation - Alleyways

MAC Contract No.:

110-1-036

Bids Close at:

2:00 pm on Tuesday January 15, 2013

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. Major items of work include Pavement removal, excavation, P-208 aggregate base, P-401 bituminous pavement, pavement marking and turf restoration.

Disadvantaged Business Enterprises (DBE): The goal of the MAC for the utilization of DBE on this project is 6%.

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 Short Elliott Hendrickson, 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 and make check payable to Docunet Corporation; 2435 Xenium Lane North; Plymouth, MN 55441; **phone:** (763) 475-9600. Deposit per set (non-refundable): \$100

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on December 17, 2012, at MAC’s web address of <http://www.metroairports.org/business/solicitations> (construction bids).

Metropolitan Airports Commission (MAC)

Public Notice for Statements of Qualifications for Aviation Liability Claim Services

The Metropolitan Airports Commission (MAC) is requesting statements of qualifications from firms interested in providing Aviation Liability Claim Services.

MAC’s Request for Qualifications for Aviation Liability Claim Services (RFQ) is available to download on MAC’s website at:

<http://www.metroairports.org/business/solicitations>

Questions regarding this RFQ must be received by 4:00 p.m. on Thursday, December 27, 2012. Statements of Qualifications must be received on or before 4:00 p.m. on Monday, January 7, 2013.

Non-State Public Bids, Contracts & Grants

The contact person for this RFQ is Jim Karels, Assistant Manager, Insurance Risk Management, and he may be contacted via phone at (612) 794-4459 or via e-mail at: jim.karels@mspmac.org.

Minnehaha Creek Watershed District (MCWD) Minnehaha Creek Reach 14 Stream Bank Improvement Project Advertisement for Bids for Landscaping, Stream Bank Restoration and Stabilization

Project Location:	Hennepin County, Minnesota
Pre-Bid Meeting:	2:00 PM January 9, 2013
Bids Close At:	2:00 PM January 16, 2013

1.1 NOTICE TO CONTRACTORS

Sealed Bid Proposals for the furnishing of all labor, materials and all other items necessary to complete the work described herewith, will be received by Minnehaha Creek Watershed District at its office located at 18202 Minnetonka Blvd., Deephaven, MN, until 2:00 PM January 16, 2013 at which time such bids will be opened and read aloud. Bid submittals must be clearly labeled Reach 14 Bid Proposal. The work, in accordance with drawings and specifications prepared by Wenck consists of the following major items of work:

- Erosion Control
- Miscellaneous Removals
- Native Seeding and Planting
- Landscaping
 - o Garden Edging Installation
 - o Planting
 - o Mulching
- Invasive Species Control

Contractors desiring a copy of the bid package, plans, specifications and proposal forms may obtain them from the offices of Wenck, upon the payment of a \$65.00 **non-refundable** fee for each bid package. Bid packages are also available for examination at the District office. All communications relative to this project should be addressed to the ENGINEER Attn: Ed A. Matthesen, **e-mail:** ematthesen@wenck.com, (763) 479-4208 or Lucius Jonett, **e-mail:** ljonett@wenck.com, (763) 479-4254 prior to opening of the Bid.

Bid Proposals shall be submitted on forms furnished for that purpose.

Each bid proposal shall be accompanied by a "Bid Security" in the form of a certified or cashier's check made payable to Minnehaha Creek Watershed District ("OWNER") in an amount not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the OWNER, with a surety company duly authorized to do business in the state of Minnesota, such Bid Security to be a guarantee that the bidder, if awarded a contract, will enter into a contract with Minnehaha Creek Watershed District; and the amount of the certified check will be retained or the bond enforced by the OWNER in case the bidder fails to do so. The OWNER will retain the deposits for the three lowest bidders until the contract has been awarded and executed but not longer than sixty (60) days. No bid may be withdrawn for a period of sixty (60) days following the bid opening.

A mandatory PRE-BID meeting will be held at the Minnehaha Creek Watershed District office, 18202 Minnetonka Boulevard, Deephaven, MN at 2:00 PM January 9, 2013.

The bid of the lowest responsible bidder is intended to be accepted on or before the expiration of sixty (60) days after the date of the opening of bids. The OWNER, however, reserves the right to reject any or all bids and to waive any minor irregularities, informalities or discrepancies, and further reserves the right to award the contract in the best interest of Minnehaha Creek Watershed District.

Dated: 17 December 2012

Non-State Public Bids, Contracts & Grants
Washington County Regional Railroad Authority (WCRRA)
Request for Proposals for Construction Management Services

RFP Released: December 14, 2012
Proposals Due (12:00 PM CST): January 15, 2013

Requests for Proposals from qualified firms for Construction Management Services will be accepted until 12:00 PM CST on January 15, 2013 for the final design and construction phase of the Newport Transit Station.

For further details, go to: <http://www.co.washington.mn.us/bids.aspx>

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- ♦ **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)
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Subtotal _____

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If tax exempt, please provide ES number or completed exemption form.
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