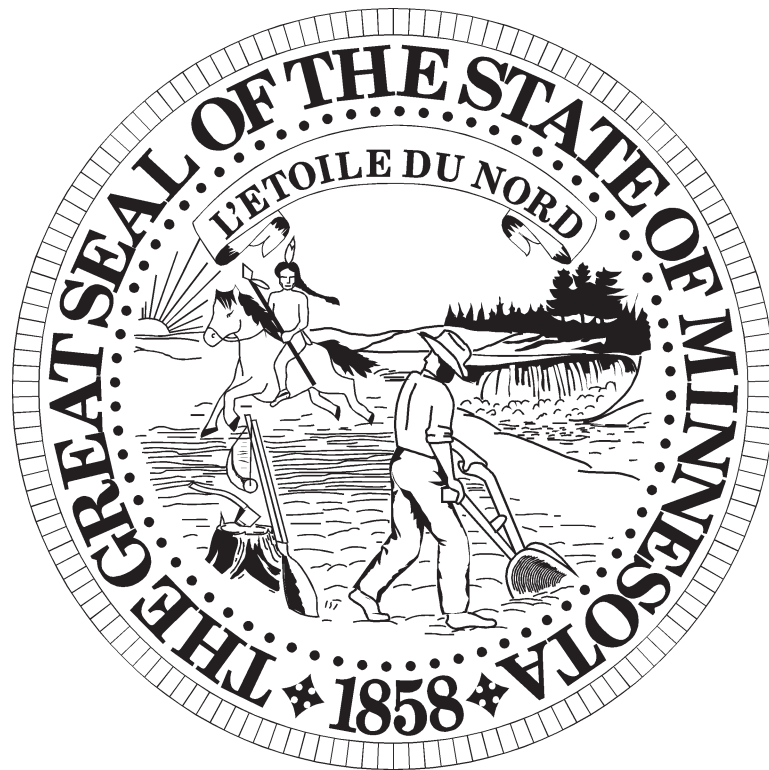


# Minnesota State Register

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



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;  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

**Monday 12 January 2015  
Volume 39, Number 28  
Pages 1027 - 1070**

# Minnesota State Register

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

The *Minnesota 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. It 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- Withdrawn Rules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. 39 Issue Number	PUBLISH DATE ( <b>BOLDFACE</b> shows altered publish date)	Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)
# 29	<b>TUESDAY 20 JANUARY</b>	Noon Tuesday 13 January	Noon Thursday 8 January 2015
# 30	Monday 26 January	Noon Tuesday 20 January	Noon Thursday 15 January
# 31	Monday 2 February	Noon Tuesday 27 January	Noon Thursday 22 January
# 32	Monday 9 February	Noon Tuesday 3 February	Noon Thursday 29 January

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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

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

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

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

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

## Minnesota Department of Human Services (DHS)

### Disability Services Division

### Proposed Permanent Rules Relating to Positive Support Strategies, Safety Interventions, and Emergency Use of Manual Restraint in Home and Community-Based Services

#### AMENDED NOTICE OF HEARING

#### Proposed Adoption of Rules Governing Positive Support Strategies, Person-Centered Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in *Minnesota Rules*, 9525.2700 to 9525.2810; Revisor's ID No. R-04213.

**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. Andersen Human Services Building, 540 Cedar Street, St. Paul, Minnesota 55155, starting at 9:00 a.m. on Monday, February 23, 2015, 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 Eric L. Lipman will conduct the hearing. Judge Lipman's Legal Assistant Denise Collins can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7900 and **fax:** (651) 539-0300 or **e-mail:** [denise.collins@state.mn.us](mailto:denise.collins@state.mn.us). 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 the use of positive support strategies and person-centered planning techniques, establishing a process to phase out the use of restrictive interventions for the rare situation when such use may be temporarily and briefly authorized, and governing the emergency use of manual restraint. The new rules will apply to all facilities and services, including the home and community-based services licensed under *Minnesota Statutes*, Chapter 245D

# Proposed Rules

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that are provided to persons with a disability or persons age 65 and older, and to all Department-licensed facilities and licensed services serving persons with a developmental disability or a related condition.

The Department also intends to repeal *Minnesota Rules*, 9525.2700 to 9525.2810, Use Of Aversive And Deprivation Procedures In Licensed Facilities Serving Persons With Developmental Disabilities. These rule parts govern the use of aversive and deprivation procedures now prohibited by *Minnesota Statutes*, Chapter 245D.

The proposed rules are authorized by *Minnesota Statutes*, section 245.8251, subdivisions 1 and 3.

A copy of the proposed rules will be published in the *State Register* on Monday, January 12, 2015, and is available online at: [http://www.dhs.state.mn.us/dhs16\\_189734.pdf](http://www.dhs.state.mn.us/dhs16_189734.pdf).

A free copy of the rules is available upon request from the agency contact person.

The agency contact person is: Karen E. Sullivan Hook at Minnesota Department of Human Services, Management and Policy Division, P.O. Box 64238, St. Paul, MN 55155-0238, **phone:** (651) 431-5771, **fax:** (651) 431-7488, **e-mail:** [dhsrulecomments@state.mn.us](mailto:dhsrulecomments@state.mn.us). TTY users may call MN Relay at 711 or 1-800-627-3529

**Amendment of Notice of Hearing.** A Notice of Hearing was published in the *State Register* on December 29, 2014, and it indicated that a copy of the proposed rule would be published in the *State Register* on that same date. The proposed rule did not appear in the *State Register* on that date, but was available on the Department website and the web address and link were provided in the Notice of Hearing. The Notice of Hearing is now amended to indicate that the proposed rule will be published in the *State Register* on Monday, January 12, 2015.

**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 online at [http://www.dhs.state.mn.us/main/groups/agencywide/documents/pub/dhs16\\_191552.pdf](http://www.dhs.state.mn.us/main/groups/agencywide/documents/pub/dhs16_191552.pdf) or from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person.

**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.oah@state.mn.us](mailto:rulecomments.oah@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

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# Proposed Rules

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) 539-1180 or 1-800-657-3889.

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

Dated: 31 December 2014

Lucinda Jesson, Commissioner  
Minnesota Department of Human Services

## **9544.0005 PURPOSE.**

Chapter 9544 establishes methods, procedures, and standards to be used by providers governed by this chapter for the use of positive support strategies with persons receiving services. The purpose of these rules is to improve the quality of life of persons receiving home and community-based services or other licensed services by:

A. promoting community participation, person-centeredness, and an approach that focuses on supporting persons receiving services in the most integrated setting;

B. focusing on creating quality environments and lifestyles as primary responsibilities of license holders;

C. ensuring collaborative, team-based development of positive support strategies;

D. providing training to the person who receives services to improve the person's skills and facilitate the person's ability to meet self-identified goals;

E. increasing the person's self-determination abilities so the person may engage in community activity to the greatest degree reasonably attainable;

F. developing specific support programs that promote outcomes valued by the person, the person's family, and the community to help the person receiving services improve the person's quality of life;

G. ensuring people are free from humiliating and demeaning procedures;

H. eliminating all uses of aversive or deprivation procedures;

I. creating a consistent set of standards for license holders to respond to behavior when serving people across licensed services and settings; and

J. building staff knowledge and competence throughout a license holder's organization about the development and implementation of positive behavioral supports, person-centered planning, and community integration.

## **9544.0010 APPLICABILITY.**

Subpart 1. **Applicability to providers licensed under Minnesota Statutes, chapter 245D.** This chapter applies to providers of home and community-based services to persons with a disability or persons age 65 and older governed by *Minnesota Statutes*, chapter 245D.

Subp. 2. **Applicability to other licensed services and settings.** This chapter applies to other licensed providers and in other settings licensed by the commissioner under *Minnesota Statutes*, chapter 245A, for services to persons with a developmental disability or related condition.

Subp. 3. **Related law.** This chapter must be read in conjunction with chapter 9525 and *Minnesota Statutes*, chapters 245, 245A, 245D, 252, 252A, and 256. License holders are subject to the requirements of this chapter and to all other applicable state and federal regulations

# Proposed Rules

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governing the provision of services provided by the license holder.

Subp. 4. **Standards governing the use of restrictive interventions.** Parts 9544.0060 and 9544.0070 shall supersede any standards in other state rules that govern the use of restrictive interventions.

## **9544.0020 DEFINITIONS.**

Subpart 1. **Scope.** Except as provided in subpart 42, terms used in parts 9544.0005 to 9544.0140 have the meanings given in this part.

Subp. 2. **Aversive procedure.** “Aversive procedure” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 2b.

Subp. 3. **Behavior intervention report form.** “Behavior intervention report form” means the form prescribed by the commissioner to collect data in accordance with the requirements in *Minnesota Statutes*, section 245.8251, subdivision 2.

Subp. 4. **Case manager.** “Case manager” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 3.

Subp. 5. **Chemical restraint.** “Chemical restraint” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 3b.

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

Subp. 7. **Commissioner.** “Commissioner” means the commissioner of the Department of Human Services.

Subp. 8. **Crisis respite services.** “Crisis respite services” means in-home or out-of-home short-term care and intervention strategies provided to a person to address the person’s medical or behavioral needs so as to support the person’s caregiver and protect the person or others living with that person.

Subp. 9. **Cultural competence.** “Cultural competence” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 4e.

Subp. 10. **Deprivation procedure.** “Deprivation procedure” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 5a.

Subp. 11. **Developmental disability or related condition.** “Developmental disability or related condition” has the meaning given in part 9525.0016, subpart 2, items A to E.

Subp. 12. **Direct support staff.** “Direct support staff” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 6a.

Subp. 13. **Emergency use of manual restraint.** “Emergency use of manual restraint” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 8a.

Subp. 14. **Expanded support team.** “Expanded support team” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 8b.

Subp. 15. **External program review committee.** “External program review committee” means a committee appointed by the commissioner to fulfill the functions described in *Minnesota Statutes*, section 245.8251, subdivisions 3 and 4.

Subp. 16. **External qualified professional.** “External qualified professional” means a qualified professional who is not under the direction and control of the license holder and is not an employee of or a subcontractor used by the license holder to perform services subject to the requirements of this chapter.

Subp. 17. **Family foster care.** “Family foster care” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 8c.

Subp. 18. **Faradic shock.** “Faradic shock” means of or pertaining to a discontinuous, asymmetric, alternating or direct current from the second winding of an induction coil.



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Subp. 19. **Forms and instructions.** “Forms and instructions” means the forms and instructions referenced in *Minnesota Statutes*, section 245D.06, subdivision 8, paragraph (a).

Subp. 20. **Functional behavior assessment.** “Functional behavior assessment” means an assessment that operationally defines the target behaviors, identifies the situations in which the target behaviors are likely to occur and not occur, and generates a hypothesis of why the behaviors occur. A functional behavior assessment must be conducted by a qualified professional and must consist of direct observation and one or more of the following elements:

A. an assessment of biological factors, such as a medical assessment or a dental assessment;

B. an assessment of psychological factors, such as a diagnostic assessment or a suicidality assessment;

C. an assessment of environmental factors, such as direct observation or interviewing a significant individual in the person’s life; and

D. an assessment of quality of life indicators based on the person’s goals and needs within each domain of a meaningful life.

Subp. 21. **Home and community-based services.** “Home and community-based services” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 10.

Subp. 22. **Interfering behavior.** “Interfering behavior” means a behavior or psychiatric symptom that prevents a person from engaging in a more integrated setting or from participation in the most integrated setting.

Subp. 23. **Legal representative.** “Legal representative” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 12.

Subp. 24. **Level program.** “Level program” means a type of program in which participants move up, and sometimes down, a hierarchy of levels contingent on meeting specific performance criteria with respect to target behavior. Moving up a level gains access to more privileges, and the person is expected to demonstrate more independence. Moving down a level reduces privileges and provides access to a smaller universe of opportunities.

Subp. 25. **License.** “License” has the meaning given in *Minnesota Statutes*, section 245A.02, subdivision 8.

Subp. 26. **License holder.** “License holder” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 15.

Subp. 27. **Manual restraint.** “Manual restraint” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 15a.

Subp. 28. **Mechanical restraint.** “Mechanical restraint” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 15b. Mechanical restraint includes use of an auxiliary device to ensure a person does not unfasten a seat belt in a vehicle. Mechanical restraint does not include:

A. use of a seat belt as required under *Minnesota Statutes*, section 169.686; or

B. use of a child passenger restraint system as required under *Minnesota Statutes*, section 245A.18, subdivision 1.

Subp. 29. **Medication.** “Medication” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 16.

Subp. 30. **Mental health mobile crisis intervention services.** “Mental health mobile crisis intervention services” has the meaning given in *Minnesota Statutes*, section 256B.0624, subdivision 2, paragraph (d).

Subp. 31. **Mental illness.** For an adult, “mental illness” has the meaning given in *Minnesota Statutes*, section 245.462, subdivision 20.

Subp. 32. **Most integrated setting.** “Most integrated setting” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 20a.

Subp. 33. **Normal goods and services.** “Normal goods and services” means a person’s normal access to a nutritious diet, drinking water, adequate ventilation, necessary medical care, ordinary hygiene facilities, normal sleeping conditions, or necessary clothing, in accordance with *Minnesota Statutes*, section 245D.06, subdivision 6, paragraph (b), clause (4), or to any protection required by state

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licensing standards and federal regulations governing the program.

Subp. 34. **Outcome.** “Outcome” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 21a.

Subp. 35. **Pain.** “Pain” means physical pain, mental pain, or emotional distress.

Subp. 36. **Person.** “Person” means a person as defined under *Minnesota Statutes*, section 245D.02, subdivision 22, receiving home and community-based services, a person age 65 or older receiving home and community-based services, or a person with a developmental disability or related condition receiving services licensed under *Minnesota Statutes*, chapter 245A.

Subp. 37. **Person-centered planning.** “Person-centered planning” means a strategy used to facilitate team-based plans for improving a person’s quality of life as defined by the person, the person’s family, and other members of the community, and that focuses on the person’s preferences, talents, dreams, and goals. It is part of a family of approaches to organizing and guiding community change in alliance with people with disabilities and their families and friends.

Subp. 38. **Person with a disability.** “Person with a disability” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 23.

Subp. 39. **Physician.** “Physician” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 23a.

Subp. 40. **Positive support strategy.** “Positive support strategy” means a strengths-based strategy based on an individualized assessment that emphasizes teaching a person productive and self-determined skills or alternative strategies and behaviors without the use of restrictive interventions.

Subp. 41. **Positive support transition plan.** “Positive support transition plan” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 23b.

Subp. 42. **Program.** “Program” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 26. This subpart applies to parts 9544.0020, subparts 15, 33, and 46; 9544.0060, subpart 2, item U; 9544.0090, subpart 5; 9544.0110; 9544.0120; and 9544.0130.

Subp. 43. **Prone restraint.** “Prone restraint” has the meaning given in *Minnesota Statutes*, section 245D.061, subdivision 3, paragraph (a), clause (7).

Subp. 44. **Psychotropic medication.** “Psychotropic medication” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 27.

Subp. 45. **Punishment.** “Punishment” means a Type I or Type II action as described in items A and B.

A. Type I action means the contingent application of an aversive stimulus. “Aversive stimulus” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 2c.

B. Type II action means the contingent removal of a positive reinforcer. “Positive reinforcer” means a consequence or stimulus that is presented following a behavior and that causes the behavior to increase.

Subp. 46. **Qualified professional.** “Qualified professional” is defined separately for each type of service and license. Qualified professional means a professional described in items A to C; or a professional described in items D to J who has at least two years of work experience in writing or implementing positive support plans or treatment plans and has demonstrated in an assessment approved by the commissioner that the professional is competent to develop and implement positive support transition plans. For purposes of this subpart, treatment plan means a written document prepared by a licensed health professional that includes a description of the precise treatment goals and the measures or services identified to accomplish them. The following occupations are qualified professionals for the specified services and settings:

A. for residential facilities for adults with mental illness governed under parts 9520.0500 to 9520.0670, a licensed mental health professional as identified in *Minnesota Statutes*, section 245.462, subdivision 18;

B. for residential mental health treatment for children with severe emotional disturbance governed under parts 2960.0010 to

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2960.0120 and parts 2960.0580 to 2960.0700, a licensed mental health professional as identified in *Minnesota Statutes*, section 245.462, subdivision 18, clauses (1) to (6);

C. for sexual psychopathic personality and sexually dangerous person treatment programs governed under parts 9515.3000 to 9515.3110, a licensed mental health professional as defined in *Minnesota Statutes*, section 245.462, subdivision 18, or a licensed psychologist as defined in *Minnesota Statutes*, section 148.907;

D. for home and community-based services governed under *Minnesota Statutes*, chapter 245D, a designated coordinator as identified in *Minnesota Statutes*, section 245D.081, subdivision 2, paragraph (b); a behavior professional as identified in *Minnesota Statutes*, section 245D.091, subdivision 2; or a behavior analyst as identified in *Minnesota Statutes*, section 245D.091, subdivision 3;

E. for chemical dependency treatment programs governed under parts 9530.6405 to 9530.6505, a licensed alcohol and drug counselor as defined in part 9530.6450, subpart 5;

F. for detoxification programs governed under parts 9530.6510 to 9530.6590, a chemical dependency assessor as defined in part 9530.6510, subpart 3a;

G. for chemical dependency treatment programs for children governed under parts 2960.0010 to 2960.0120 and parts 2960.0430 to 2960.0500, an alcohol and drug counselor supervisor as identified in part 2960.0460, subpart 4; or an alcohol and drug counselor as identified in part 2960.0460, subpart 5;

H. for children's residential facilities governed under parts 2960.0010 to 2960.0120, including children's residential care, shelter care services, group residential settings, and transitional services programs, a program director as identified in part 2960.0020, subpart 57;

I. for child care centers governed under chapter 9503, a teacher as defined in part 9503.0032; a staff person who meets the qualification requirements in item A or D; or a person's case manager as required in *Minnesota Statutes*, section 256B.092, subdivision 1a, paragraph (e);

J. for foster family settings governed under parts 2960.3000 to 2960.3100, qualified staff from the country or private child placing agency; and

K. for the following settings and services, a person who meets the qualification requirements in item A or D; or a person's case manager as required in *Minnesota Statutes*, section 256B.092, subdivision 1a, paragraph (e):

(1) family child care governed under chapter 9502;

(2) family adult day services governed under *Minnesota Statutes*, section 245A.143;

(3) adult day centers governed under parts 9555.9600 to 9555.9730;

(4) adult foster care governed under parts 9555.5105 to 9555.6265;

(5) child foster care governed under parts 2960.3000 to 2960.3340;

(6) independent living assistance for youth governed under *Minnesota Statutes*, section 245A.22;

(7) residential programs and services for persons with physical disabilities governed under chapter 9570; and

(8) any other residential or nonresidential program licensed under *Minnesota Statutes*, chapter 245A.

Subp. 47. **Quality of life indicator.** "Quality of life indicator" means a reportable or observable outcome that is measurable and important to the person. Quality of life indicators are used to assess beneficial changes desired by the person that enrich the person's life experiences.

Subp. 48. **Restraint.** "Restraint" has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 28.

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Subp. 49. **Restrictive intervention.** “Restrictive intervention” means prohibited procedures identified in *Minnesota Statutes*, section 245D.06, subdivision 5; prohibited procedures identified in part 9544.0060; and the emergency use of manual restraint.

Subp. 50. **Seclusion.** “Seclusion” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 29.

Subp. 51. **Self-injurious behavior.** “Self-injurious behavior” means behavior of a person which results in damage to the person’s own body.

Subp. 52. **Service.** “Service” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 30.

Subp. 53. **Target behavior.** “Target behavior” means an observable behavior identified in a person’s individual plan as the object of efforts intended to reduce or eliminate the behavior.

Subp. 54. **Token reinforcement program.** “Token reinforcement program” means a program that requires a person to earn an outcome that is of value to the person. Tokens are earned or lost based on behavior. Tokens are traded in exchange for activities, events, goods, or services that may not otherwise be available to the person.

Subp. 55. **Trauma-informed care.** “Trauma-informed care” means an approach to engaging a person with a history of trauma that recognizes the presence of trauma symptoms and acknowledges the role that trauma has played in the person’s life.

Subp. 56. **Treatment.** “Treatment” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 35a.

Subp. 57. **Variance.** “Variance” means written approval by the commissioner for a license holder or applicant to depart from the requirements of parts 9544.0005 to 9544.0140.

## **9544.0030 POSITIVE SUPPORT STRATEGIES AND PERSON-CENTERED PLANNING.**

Subpart 1. **Positive support strategies required.** The license holder must use positive support strategies in providing services to a person. These positive support strategies must be incorporated in writing to an existing treatment, service, or other individual plan required of the license holder.

Subp. 2. **Positive support strategy standards.** To develop and implement positive support strategies, the license holder must:

A. assess the person’s strengths, needs, and preferences to identify and create a positive support strategy;

B. select positive support strategies that:

(1) are evidence-based;

(2) are person-centered;

(3) are ethical;

(4) integrate the person in the community;

(5) are the least restrictive to the person; and

(6) are effective;

C. use person-centered planning in accordance with *Minnesota Statutes*, section 245D.07, subdivision 1a, paragraph (b), clause (1);

D. promote the person’s self-determination in accordance with *Minnesota Statutes*, section 245D.07, subdivision 1a, paragraph (b), clause (2);

E. provide the most integrated setting and inclusive service delivery for the person in accordance with *Minnesota Statutes*, section 245D.07, subdivision 1a, paragraph (b), clause (3);

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F. create a desirable quality of life for the person through inclusive, supportive, and therapeutic environments; and

G. use person-centered planning regarding the most integrated setting. The person-centered planning must:

(1) include life planning with the person placed at the center of the planning process and the person's preferences and choices reflected in the selection of services and supports;

(2) involve the person directly with the person's community, network of connections, and close personal relationships that build on the person's capacity to engage in activities and promote community life; and

(3) identify goals to support the person in the most integrated setting.

**Subp. 3. Person-centered principles.** The license holder must incorporate principles of person-centeredness in services it provides to a person. At least every six months, the license holder must evaluate with the person whether the services support the person's individual preferences, daily needs and activities, and the accomplishment of the person's goals in accordance with *Minnesota Statutes*, section 245D.07, subdivision 1a, paragraph (b), and whether the person-centered planning process complies with *Code of Federal Regulations*, title 42, section 441.725, paragraph (a)(1)-(4). Based upon the results of the evaluation, the license holder must determine whether changes are needed to enhance person-centeredness for the person, and, if so, make appropriate changes.

**Subp. 4. Professional standards for positive support strategies.** The license holder must use professional standards for positive support strategies that are fully consistent with this chapter. Examples of professional standards that a license holder may use as a resource to develop positive support strategies are stated in items A to F. When relying on one of the following professional standards, the license holder must use the most recently updated version of those standards:

A. the Association for Positive Behavior Support Standards of Practice;

B. the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) National Registry of Evidence-Based Programs and Practices;

C. SAMHSA Roadmap to Seclusion and Restraint Free Mental Health Services;

D. the Behavior Analyst Certification Board Guidelines for Responsible Conduct for Behavior Analysts;

E. the NADD Competency-Based Clinical Certification Program Competency Standard 1: Positive Behavior Support and Effective Environments; or

F. other standards approved by the commissioner that:

(1) have been peer-reviewed;

(2) are widely accepted as authoritative; and

(3) reflect current best practices.

## **9544.0040 FUNCTIONAL BEHAVIOR ASSESSMENT.**

**Subpart 1. Who must conduct.** The license holder's qualified professional or an external qualified professional must conduct the functional behavior assessment. The license holder must verify and document that the qualified professional or external qualified professional conducting the assessment meets the applicable qualification requirements in part 9544.0020, subpart 16 or 46.

**Subp. 2. When required.** A functional behavior assessment is required when a qualified professional or external qualified professional develops or modifies a written intervention to change a target behavior.

**Subp. 3. Required elements.** To perform a functional behavior assessment, the qualified professional or external qualified professional must directly observe the person. The professional must select one or more of the elements listed in items A to D and evaluate whether the elements make the target behavior more or less likely to occur:

A. biological factors, identified through a medical assessment or a dental assessment;

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B. psychological factors, identified through a diagnostic or suicidality assessment;

C. environmental factors, identified through direct observation or interviewing a significant individual in the person's life; and

D. quality of life indicators based on the person's goals and needs within the domains of a meaningful life. The professional must use the evaluation to generate a hypothesis about why the behavior occurs.

Subp. 4. **Scope of evaluation.** If the qualified professional or external qualified professional determines that the hypothesis about why the behavior occurs requires additional evaluation, the qualified professional or external qualified professional must evaluate additional elements listed in subpart 3 that were not previously considered, if any.

## **9544.0050 PERMITTED PROCEDURES.**

Subpart 1. **Specific procedures permitted.** In addition to the procedures identified in *Minnesota Statutes*, section 245D.06, subdivision 7, that are permitted for use by license holders, the following procedures are permitted as approved by the expanded support team and, in the case of a child, the child's parent or parents:

A. positive verbal correction that is specifically focused on the behavior being addressed; and

B. temporary withholding or removal of objects being used to hurt self or others.

Subp. 2. **Documentation required.** The license holder must document a procedure approved under subpart 1.

## **9544.0060 PROHIBITIONS AND RESTRICTIONS.**

Subpart 1. **General prohibitions.** The procedures identified in *Minnesota Statutes*, section 245D.06, subdivision 5, are prohibited and are governed by the requirements of that section and this chapter.

Subp. 2. **Specific prohibitions.** The actions or procedures listed in items A to Y are prohibited from use as a substitute for adequate staffing, for a behavioral or therapeutic program to reduce or eliminate behavior, as punishment, or for staff convenience:

A. using prone restraint, metal handcuffs, or leg hobbles;

B. using faradic shock;

C. speaking to a person in a manner that ridicules, demeans, threatens, or is abusive;

D. using physical intimidation or a show of force;

E. containing, restricting, isolating, secluding, or otherwise removing a person from normal activities when it is medically contraindicated or without monitoring the person;

F. denying or restricting a person's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the person's functioning. When the temporary removal of the equipment or device is necessary to prevent injury to the person or others or serious damage to the equipment or device, the equipment or device must be returned to the person as soon as possible;

G. using painful techniques, including intentional infliction of pain or injury, intentional infliction of fear of pain or injury, dehumanization, and degradation;

H. hyperextending or twisting a person's body parts;

I. tripping or pushing a person;

J. using punishment of any kind;

K. requiring a person to assume and maintain a specified physical position or posture;

L. using forced exercise;

M. totally or partially restricting a person's senses;

N. presenting intense sounds, lights, or other sensory stimuli;

O. using a noxious smell, taste, substance, or spray, including water mist;

P. depriving a person of or restricting access to normal goods and services, or requiring a person to earn normal goods and services;

Q. using token reinforcement programs or level programs that include a response cost or negative punishment component;

R. using a person receiving services to discipline another person receiving services;

S. using an action or procedure which is medically or psychologically contraindicated;

T. using an action or procedure that might restrict or obstruct a person's airway or impair breathing, including techniques whereby individuals use their hands or body to place pressure on a person's head, neck, back, chest, abdomen, or joints;

U. interfering with a person's fundamental rights, except as allowed by *Minnesota Statutes*, section 245D.04, subdivision 3, paragraph (c). For purposes of this item, "fundamental rights" means rights afforded in federal regulation or state licensing standards governing the program;

V. mechanical restraint, in accordance with *Minnesota Statutes*, section 245D.06, subdivision 5;

W. chemical restraint, in accordance with *Minnesota Statutes*, section 245D.06, subdivision 5;

X. manual restraint, except in an emergency in accordance with *Minnesota Statutes*, section 245D.061; and

Y. using any other interventions or procedures that may constitute an aversive or deprivation procedure.

Subp. 3. **Restrictions.** Restrictions on the use of procedures as identified under *Minnesota Statutes*, section 245D.06, subdivision 6, are governed by the requirements of that section and this chapter.

## **9544.0070 EMERGENCY USE OF MANUAL RESTRAINT.**

Subpart 1. **Governing law and requirements.** Emergency use of manual restraint and the requirements for a positive support transition plan are governed by *Minnesota Statutes*, sections 245D.06, subdivision 8, and 245D.061, the requirements of this chapter, and the forms and instructions for the positive support transition plan.

Subp. 2. **Record keeping.** The license holder must retain documentation of emergency use of manual restraint or other documents required in this part in the person's permanent record for at least five years after creation of the documentation or other documents.

## **9544.0080 INFORMED CONSENT.**

Subpart 1. **When informed consent is required.** At the time of service initiation, or when the license holder adopts or changes a policy about the emergency use of manual restraint, the license holder must obtain written informed consent before emergency use of manual restraint is implemented and must document that informed consent has been obtained. If the continued use of previously used restrictive interventions is temporarily permitted in accordance with the requirements in *Minnesota Statutes*, section 245D.06, subdivision 8, the license holder must obtain written informed consent authorizing the use of a restrictive intervention in the manner set out in the forms and instructions before using the restrictive intervention.

Subp. 2. **Authority to give consent.** The license holder must obtain written informed consent from the person receiving services, or from the person's legal representative acting within the scope of the legal representative's authority. When a person has a legal representative, the license holder must encourage the legal representative to consider the person's preferences.

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## 9544.0090 STAFF QUALIFICATIONS AND TRAINING.

Subpart 1. Core training for staff. The license holder must ensure that staff responsible to develop, implement, monitor, supervise, or evaluate positive support strategies, a positive support transition plan, or the emergency use of manual restraint complete training from qualified individuals prior to assuming these responsibilities. Previous equivalent training approved by the commissioner fulfills these requirements.

Subp. 2. Function-specific training. In addition to the core training as required by subpart 1 and determining competency as required by subpart 4, the license holder must ensure that staff receive additional training based on their level of responsibility and qualifications, as set out in items A to E, prior to assuming these responsibilities. Previous equivalent training approved by the commissioner fulfills these requirements.

A. Direct support staff must complete four hours of additional training on the following:

- (1) permitted and prohibited procedures identified in *Minnesota Statutes*, section 245D.06, subdivisions 6 and 7;
- (2) the situations in which staff must contact 911 services in response to an imminent risk of harm to the person or others;
- (3) the procedures and forms staff must use to monitor and report use of restrictive interventions that are part of a positive support transition plan;
- (4) the procedures and requirements for notifying members of the person's expanded support team after use of a restrictive intervention with the person;
- (5) trauma-informed care, including information on the neurological, biological, psychological, and social effects of trauma and violence on an individual;
- (6) positive support strategies, such as positive behavioral supports and motivational interviewing;
- (7) desired, organization-wide adoption of positive support principles;
- (8) basics of behavior change;
- (9) cultural competence;
- (10) human relations and respectful communications;
- (11) personal accountability;
- (12) employee self-care and collegial care of colleagues; and
- (13) understanding diagnosis and medication.

B. Staff who implement positive support strategies must complete four hours of additional training on the following, at a minimum:

- (1) principles underlying positive support strategies;
- (2) the development and implementation of positive support strategies;
- (3) person-centered planning;
- (4) de-escalation;
- (5) use of positive support strategies;
- (6) relationship between behavior and a person's environment;
- (7) staff self-care after emergencies;



(8) collegial care;

(9) knowing how and when to communicate with the person's family;

(10) understanding diagnosis and medication; and

(11) when to use crisis resources.

C. Staff who develop positive support strategies must complete four hours of additional training on the following, at a minimum:

(1) positive support strategy theory training;

(2) behavior plan development under guided supervision;

(3) positive support strategy research and resources;

(4) supervision, including how to train, coach, and evaluate staff and communicate effectively; and

(5) continuing education requirements relevant to the field of the staff.

D. Staff who oversee the development and implementation of positive support strategies must complete four hours of additional training on the following, at a minimum:

(1) functional behavior assessment, also known as functional assessment;

(2) how to apply person-centered planning;

(3) the relationship between behavior and biology;

(4) how to integrate disciplines to develop plans;

(5) how to design and use data systems to measure effectiveness of care; and

(6) information about resources of the human services system, its procedures, and specific roles in the local system.

E. License holders, executives, managers, and owners in nonclinical roles must complete four hours of additional training on the following, at a minimum:

(1) outcomes they and their staff are responsible to achieve;

(2) clarity between the roles of clinical staff and nonclinical staff;

(3) how to include staff in organizational decisions;

(4) where providers can access additional resources on positive support strategies and person-centered planning;

(5) management of the organization based upon person-centered thinking and practices; and

(6) person-centered thinking at the organizational level and how to address it in the organization.

**Subp. 3. Annual refresher training.** The license holder must ensure that staff complete four hours of refresher training on an annual basis covering each of the training areas listed in subpart 2 that are applicable to the staff and their responsibilities.

**Subp. 4. Determining competency of the staff.** The license holder must ensure that staff demonstrate competency through knowledge testing or observed skill assessment conducted by a trainer or instructor as required in items A to C.

A. Before implementing positive support strategies, the staff must demonstrate competency to perform the positive support strategies relevant to the primary disability, diagnosis, or interfering behavior of the person in the manner described in the documentation

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required by part 9544.0030, subpart 1.

B. Before implementing restrictive procedures permitted in accordance with the requirements of this chapter, the staff must demonstrate competency to safely and correctly perform the specific restrictive interventions relevant to the person's primary disability, diagnosis, or interfering behavior included in the positive support transition plan in the manner described in the plan.

C. Any time a change is made to the relevant content in the positive support transition plan or the restrictive intervention identified in the plan, the staff must review, receive instruction, and demonstrate competency on the requirements in items A and B.

Subp. 5. **Documentation.** The license holder must document completion of core training, additional training, and competency testing or assessment for each staff in the personnel record. The license holder must document the date the training, testing, or assessment was completed; the number of training hours per subject area; and the name and qualifications of the trainer or instructor. The license holder must also verify and maintain evidence of staff qualifications in the personnel record, including documentation of the following:

A. education and experience qualifications relevant to the staff's scope of practice, responsibilities assigned to the staff, and the needs of the general population of persons served by the program; and

B. professional licensure, registration, or certification, when applicable.

## **9544.0100 DOCUMENTATION AND RECORD KEEPING REQUIREMENTS.**

Subpart 1. **Documentation of use of positive support strategies.** Except as provided in subpart 2, the license holder must document compliance with the requirements of this chapter. The license holder must comply with the positive support strategy documentation requirements in part 9544.0030, subpart 1. The license holder must maintain appropriate data that:

A. reveals the progress or lack of progress towards each outcome or goal for each person;

B. ensures that staff are accountable for the services provided to the person; and

C. ensures that services can be evaluated and monitored by the license holder and the commissioner.

Subp. 2. **Exemption.** A license holder providing family child care, family foster care, or family adult day services is exempt from the requirements to document general positive support strategy activities for children and adults for whom a positive support transition plan is not required, including the documentation requirements in part 9544.0030, subpart 1.

Subp. 3. **Documentation of outcomes.** The license holder must document the progress or lack of progress towards each outcome or goal for each person, including the progress or lack of progress on quality of life indicators.

Subp. 4. **Record keeping.** The information required in this part must be retained in the person's permanent record for at least five years from the creation or collection of the information.

## **9544.0110 REPORTING USE OF RESTRICTIVE INTERVENTIONS AND INCIDENTS.**

License holders must use the behavior intervention report form required by the commissioner to report the following to the commissioner:

A. an emergency use of manual restraint;

B. a medical emergency occurring as a result of the use of a restrictive intervention with a person that leads to a call to 911 or seeking physician treatment or hospitalization for a person;

C. a behavioral incident that results in a call to 911;

D. a mental health crisis occurring as a result of the use of a restrictive intervention that leads to a call to 911 or a provider of mental health crisis services as defined in *Minnesota Statutes*, section 245.462, subdivision 14c;

E. an incident that requires a call to mental health mobile crisis intervention services;

F. a person's use of crisis respite services due to use of a restrictive intervention;

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# Proposed Rules

G. use of pro re nata (PRN) medication to intervene in a behavioral situation. This does not include the use of a psychotropic medication prescribed to treat a medical symptom or a symptom of a mental illness or to treat a child with severe emotional disturbance;

H. an incident that the person's positive support transition plan requires the program to report; or

I. use of a restrictive intervention as part of a positive support transition plan as required in the plan.

## **9544.0120 QUALITY ASSURANCE AND PROGRAM IMPROVEMENT.**

A license holder must adopt a program improvement process to assess the ongoing implementation of positive support strategies and person-centered planning and to identify program strengths and opportunities for improvement. The license holder must perform these activities at least every six months. Upon review of the information, the license holder must take action to remedy problems or concerns identified in the positive support strategies and person-centered planning program. The license holder must document program improvement activities and submit process and outcome data as requested by the commissioner.

## **9544.0130 EXTERNAL PROGRAM REVIEW COMMITTEE.**

Subpart 1. **Appointment.** The commissioner shall appoint members to an external program review committee to monitor the implementation of this chapter.

Subp. 2. **Membership.** The commissioner must select committee members based on their expertise and knowledge on the use of positive support strategies as alternatives to the use of restrictive interventions. The committee shall include an expert in positive support strategies; a mental health professional as defined in *Minnesota Statutes*, section 245.462; a licensed health professional as defined in *Minnesota Statutes*, section 245D.02, subdivision 14; and a representative of the Department of Health.

Subp. 3. **Duties and responsibilities.** The external program review committee shall monitor implementation of this chapter, make recommendations to the commissioner about policy changes related to the requirements in this chapter, and make recommendations to the commissioner to approve or deny requests for emergency use of procedures in accordance with *Minnesota Statutes*, section 245.8251, subdivision 4. The committee shall:

A. review requests made in accordance with the requirements of *Minnesota Statutes*, section 245D.06, subdivision 8, paragraph (b), for emergency use of procedures that have been part of an approved positive support transition plan when necessary to protect a person from imminent risk of serious injury as defined in *Minnesota Statutes*, section 245.91, subdivision 6, due to self-injurious behavior, and make a recommendation to the commissioner to approve or deny these requests. The committee must establish criteria on which to base approvals and denials, and must include in an approval the additional terms or conditions that the license holder must meet specific to that approval, if any;

B. review requests for use of a prohibited procedure that is not specifically permitted by part 9544.0050, or specifically prohibited by part 9544.0060, and make a recommendation to the commissioner to approve or deny these requests based on criteria established by the committee;

C. evaluate the programs and systems of a license holder making a request under item A or B to ascertain the license holder's overall capacity to serve persons who are the subject of the request; and

D. review each reported emergency use of manual restraint and the license holder's response to the emergency use for the person. The commissioner must identify criteria that the external program review committee will use to evaluate the license holder's response. If the committee determines that a change is needed to reduce the frequency or duration of future emergency uses by the license holder, the external program review committee must provide guidance to the license holder about its response.

Subp. 4. **Number of external program review committees.** The commissioner may designate more than one external program review committee based on the number of requests for emergency use of procedures reviewed by the interim review panel under *Minnesota Statutes*, section 245.8251, subdivision 4. The criteria used to review requests according to subpart 3, items A and B, must be uniform across committees.

## **9544.0140 VARIANCES.**

A license holder subject to *Minnesota Statutes*, chapter 245A, may request a variance to a requirement in this chapter from the commissioner according to *Minnesota Statutes*, section 245A.04, subdivision 9.

# Proposed Rules

**REPEALER.** *Minnesota Rules*, parts 9525.2700; 9525.2710, subparts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14a, 15, 16a, 16b, 17, 19, 19a, 20, 21a, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33a, 34, and 35; 9525.2720; 9525.2730; 9525.2740; 9525.2750, subparts 1, 1a, 2, 2a, and 4; 9525.2760, subparts 1, 2, 4, 5, and 6; 9525.2770, subparts 1, 2, 5, and 6; 9525.2780, subparts 2, 3, 4, 5, and 7; 9525.2790; 9525.2800; and 9525.2810, are repealed effective August 31, 2015.

**EFFECTIVE DATE.** Parts 9544.0005 to 9544.0140 are effective August 31, 2015.

## Expedited Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for normal rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the conditions.

Expedited rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain conditions.

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

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

## Minnesota Department of Health (MDH)

### Adopted Expedited Permanent Rules Governing Health Quality Measures

The rules proposed and published at *State Register*, Volume 39, Number 1, pages 354-355, September 15, 2014 (39 SR 354), are adopted with the following modifications:

#### 4654.0800 INCORPORATION BY REFERENCE.

"Minnesota Statewide Quality Reporting and Measurement System: Appendices to *Minnesota Administrative Rules*, Chapter 4654," issued by the Minnesota Department of Health, ~~August~~ December 2014, is incorporated by reference. It is available through the Minitex interlibrary loan system and the Minnesota Department of Health Web site at:

<http://www.health.state.mn.us/healthreform/measurement/index.html>.

They are not subject to frequent change.

# 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 Administration (Admin) Notice of Appointment of Commissioner Matthew John Massman

**NOTICE IS HEREBY GIVEN**, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Mark Dayton has appointed Matthew John Massman to the office of Commissioner of the Minnesota Department of Administration effective January 5, 2015. Massman was originally appointed to the office of Acting Commissioner of the Minnesota Department of Administration effective 25 August 2014, succeeding Commissioner Spencer Roman Cronk who was appointed February 11, 2011.

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 Administration are:

- *Minnesota Statutes*, Chapters 14 and 16B, 16C, and 16E
- *Minnesota Rules* 1200-1399

Commissioner Massman resides at 4218 Washburn Avenue North, Minneapolis, Minnesota 55412, Hennepin County, Congressional District Five. He can be reached at the Minnesota Department of Administration, 50 Sherburne Ave., 200 Administration Bldg., St. Paul, MN 55155. **Telephone:** (651) 201-2555. **Web site:** <http://www.admin.state.mn.us>

## Minnesota Department of Agriculture (MDA) Notice of Reappointment of Commissioner David J. Frederickson

**NOTICE IS HEREBY GIVEN**, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Mark Dayton reappointed David Frederickson to the office of Commissioner of the Minnesota Department of Agriculture effective January 5, 2015. He had been appointed Commissioner on January 3, 2011, replacing Commissioner Gene Hugoson.

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 Agriculture are:

- *Minnesota Statutes*, Chapters 17-34, 40-42, 500
- *Minnesota Rules* 1500-1699

Commissioner Frederickson resides at 2925 Fairview Avenue North, Roseville, Minnesota 55113, Ramsey County, Congressional District Four. He can be reached at the Minnesota Department of Agriculture, 625 Rovert Street North, St. Paul, MN 55155. **Telephone:** (651) 201-6219. **Web site:** <http://www.mda.state.mn.us>

## Minnesota Department of Commerce Notice of Reappointment of Commissioner Michael J. Rothman

**NOTICE IS HEREBY GIVEN**, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Mark Dayton reappointed Michael J. Rothman to the office of Commissioner of the Minnesota Department of Commerce effective January 5, 2015. He originally was appointed January 12, 2011, replacing Acting Commissioner Emmanuel T. Munson-Regala appointed January 3, 2011, who had replaced Commissioner Glenn Wilson appointed January 6, 2003.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this

# Appointments

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appointment is superseded or annulled. The laws and rules governing the Department of Commerce are:

- *Minnesota Statutes*, Chapters (department) 45; (banking) 45-56, 59A, 168.66, 332; (insurance) 45, 60-79; (securities) 45, 80, 306,332, 501; (real estate) 82-83; (unclaimed property) 345
- *Minnesota Rules* 2600-2899

Commissioner Rothman resides at 4613 Mounthall Terrace, Minnetonka, Minnesota 55345, Hennepin County, Congressional District Three. He can be reached at the Minnesota Department of Commerce, 85 East 7th Place, Suite 500, St. Paul, Minnesota 55101. **Telephone:** (651) 297-3067. **Web sites:** <http://www.commerce.state.mn.us>, <http://www.insurance.mn.gov>; <http://www.energy.mn.gov>.

## Minnesota Department of Corrections (DOC) Notice of Reappointment of Commissioner Thomas A. Roy

**NOTICE IS HEREBY GIVEN**, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Mark Dayton reappointed Thomas A. Roy Commissioner of the Minnesota Department of Corrections effective January 5, 2015. He was originally appointed Commissioner on January 31, 2011. He replaced Acting Commissioner Christine E. Bray appointed January 3, 2011, who replaced Commissioner Joan Fabian, appointed January 20, 2003.

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 Corrections are:

- *Minnesota Statutes*, Chapters 241-144 and Sections 260.51-.57
- *Minnesota Rules* 2900-2999

Commissioner Roy resides at 1646 Stoney Beach Boulevard, Box 12, Sawyer, Minnesota 55780, Carlton County, Congressional District Eight. He can be reached at the Minnesota Department of Corrections, 1450 Energy Park Drive, Suite 200, St. Paul, MN 55108-5219. **Telephone:** (651) 361-7200. **Web site:** <http://www.doc.state.mn.us>

## Minnesota Department of Education (MDE) Notice of Reappointment of Commissioner Dr. Brenda L. Cassellius

**NOTICE IS HEREBY GIVEN**, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Mark Dayton reappointed Dr. Brenda L. Cassellius to the office of Commissioner of the Minnesota Department of Education effective January 5, 2015. She had originally been appointed Commissioner on January 3, 2011, replacing Commissioner Alice Seagren who was appointed effective July 1, 2003.

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 Children, Families and Learning are:

- *Minnesota Statutes*, Chapters 120-129, 134
- *Minnesota Rules* 3500-3799

Commissioner Cassellius resides at 5900 Colfax Avenue South, Minneapolis, Minnesota 55419, Hennepin County, Congressional District Five. She can be reached at the Minnesota Department of Education, 1500 Highway 36 West Roseville, MN 55113-4266. **Telephone:** (651) 582-8200. **Web site:** <http://www.education.state.mn.us>

## Minnesota Department of Employment and Economic Development (DEED)

### Notice of Reappointment of Commissioner Katie Clark Sieben

**NOTICE IS HEREBY GIVEN**, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Mark Dayton reappointed Katie Clark Sieben to the office of Commissioner of the Minnesota Department of Employment and Economic Development effective January 5, 2015. She had originally been appointed Commissioner effective October 22, 2012, replacing Mark R. Phillips who was appointed January 31, 2011, who replaced Acting Commissioner Paul A. Moe effective January 3, 2011. He replaced Commissioner Dan McElroy, appointed January 2, 2007.

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 Employment and Economic Development are:

- *Minnesota Statutes*, Chapters 116J, 129A, 248, 268
- *Minnesota Rules* 3300-3499 and 4100-4399

Commissioner Sieben listed her address as 332 Minnesota Street, St. Paul, Minnesota 55101, Ramsey County, Congressional District Four. She can be reached at the Department of Employment and Economic Development, 1st National Bank Bldg., 332 Minnesota Street, Suite E200, Saint Paul, Minnesota 55101. **Telephone:** (651) 259-7114. **Toll-free:** 1-800-657-3858. **Web site:** <http://www.positivelyminnesota.com>, **E-mail:** [deed.customerservice@state.mn.us](mailto:deed.customerservice@state.mn.us)

## Minnesota Department of Health (MDH)

### Notice of Reappointment of Commissioner Dr. Edward P. Ehlinger

**NOTICE IS HEREBY GIVEN**, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Mark Dayton reappointed Dr. Edward P. Ehlinger to the office of Commissioner of the Minnesota Department of Health effective January 5, 2015. He was originally appointed Commissioner on January 14, 2011. He replaced Acting Commissioner Jeanne M. Danaher who was appointed January 3, 2011, who replaced Commissioner Dr. Sanne Dail Jones Magnan appointed November 2, 2007.

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 Health are:

- *Minnesota Statutes*, 62D, 62J, 62L, 62N, 62P, 62Q, 62R, 103H, 103I, 144, 144A, 145, 145A, 149, 157, 326 and 327
- *Minnesota Rules* 4600-4799

Commissioner Ehlinger resides at 4815 Dupont Avenue South, Minneapolis, Minnesota 55409, Hennepin County, Congressional District Five. He can be reached at the Minnesota Department of Health, 625 Robert Street North, Suite C500, Saint Paul, Minnesota 55155. **Telephone:** (651) 201-5000. **Web site:** <http://www.health.state.mn.us>

## Minnesota Office of Higher Education (OHE)

### Notice of Reappointment of Commissioner Lawrence J. Pogemiller

**NOTICE IS HEREBY GIVEN**, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Mark Dayton reappointed Lawrence J. Pogemiller to the office of Commissioner of the Minnesota Office of Higher Education effective January 5, 2015. He was originally appointed November 8, 2011. He replaced Sheila Wright who was appointed Director of the Minnesota Office of Higher Education January 26, 2011. She replaced Acting Director Barbara S. Schlaefel, appointed January 3, 2011, who replaced David R. Metzen who was appointed February 6, 2009.

# Appointments

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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 Office of Higher Education are:

- *Minnesota Statutes*, Chapters 136A
- *Minnesota Rules* 4800-4880

Director Pogemiller resides at 201 University Avenue NE, Minneapolis, Minnesota 55413, Hennepin County, Congressional District Five. He can be reached at the Minnesota Office of Higher Education, 1450 Energy Park Drive, Suite 350, St. Paul, MN 55108-5227. **Telephone:** (651) 642-0567. **Web site:** <http://www.mheso.state.mn.us> or <http://www.getreadyforcollege.org> or **E-mail:** [info@ohe.state.mn.us](mailto:info@ohe.state.mn.us)

## Minnesota Housing Finance Agency (MHFA) Notice of Reappointment of Commissioner Mary Tingerthal

**NOTICE IS HEREBY GIVEN**, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Mark Dayton reappointed Mary Tingerthal to the Office of Commissioner of the Minnesota Housing Finance Agency effective January 5, 2015. She was originally appointed February 1, 2011, replacing Patricia A. Hippe who was appointed January 3, 2011. She replaced Dan Bartholomay, appointed November 10, 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 Housing Finance Agency are:

- *Minnesota Statutes*, Chapters 462A
- *Minnesota Rules* 4900-4999

Commissioner Tingerthal resides at 1490 Mississippi River Boulevard., Saint Paul, Minnesota 55116, Ramsey County, Congressional District Three. She can be reached at the Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, MN 55101. **Telephone:** (651) 296-7608. **Toll-free:** 1-800-657-3769. **TTY:** (651) 297-2361. **Web site:** <http://www.mhfa.state.mn.us> or **E-mail:** [mhfa@state.mn.us](mailto:mhfa@state.mn.us)

## Minnesota Department of Human Rights Notice of Reappointment of Commissioner Kevin M. Lindsey

**NOTICE IS HEREBY GIVEN**, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Mark Dayton reappointed Kevin M. Lindsey to the office of Commissioner of the Minnesota Department of Human Rights effective January 5, 2015. She was originally appointed on March 2, 2011. He replaced Wendy Adler Robinson who was appointed January 3, 2011. She succeeded James Kirkpatrick III who was appointed June 1, 2010.

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 Human Rights are:

- *Minnesota Statutes*, Chapter 363A
- *Minnesota Rules* 5000.0050-.3600

Commissioner Lindsey resides at 1947 Dayton Avenue, Saint Paul, Minnesota 55104, Ramsey County, Congressional District Four. He can be reached at the Minnesota Department of Human Rights, Sibley Square at Mears Park, 190 E. Fifth Street, Suite 700, St. Paul, MN 55101. **Telephone:** (651) 296-9038. **Toll-free:** 1-800-657-3704. **Web site:** <http://www.humanrights.state.mn.us>



## Minnesota Department of Human Services (DHS) Notice of Reappointment of Commissioner Lucinda E. Jesson

**NOTICE IS HEREBY GIVEN**, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Mark Dayton appointed Lucinda E. Jesson to the office of Commissioner of the Minnesota Department of Human Services effective January 5, 2015. She was originally appointed January 13, 2011. She replaced Commissioner Anne M. Barry appointed January 3, 2011, who succeeded Cal Ludeman, appointed December 30, 2006.

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 Human Services are:

- *Minnesota Statutes*, Chapters 245-261
- *Minnesota Rules* 9500-9799

Commissioner Jesson resides at 1992 Lincoln Avenue, Saint Paul, Minnesota 55105, Ramsey County, Congressional District Four. She can be reached at the Minnesota Department of Human Services, 444 Lafayette Road, P.O. Box 64998, St. Paul, Minnesota 55155. **Telephone:** (651) 431-2000. **TTY/TDD:** 1-800-627-3529. **Web site:** <http://www.dhs.state.mn.us> or **E-mail:** [DHS.info@state.mn.us](mailto:DHS.info@state.mn.us)

## Minnesota Department of Labor and Industry (DLI) Notice of Reappointment of Commissioner Kenneth B. Peterson

**NOTICE IS HEREBY GIVEN**, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Mark Dayton reappointed Kenneth B. Peterson to the office of Commissioner of the Minnesota Department of Labor and Industry effective January 5, 2015. He was originally appointed January 3, 2011. He took over from Commissioner Steve Sviggum, appointed July 17, 2007.

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 Labor and Industry are:

- *Minnesota Statutes*, Chapters 175-178, 181-184 and 326
- *Minnesota Rules* 5200-5499

Commissioner Peterson resides at 292 Ryan Avenue, Saint Paul, Minnesota 55102, Ramsey County, Congressional District Four. He can be reached at the Minnesota Department of Labor and Industry, 443 Lafayette Road, Saint Paul, Minnesota 55155. **Telephone:** (651) 284-5005. **Web site:** <http://www.doli.state.mn.us> or **E-mail:** [dli.commissioner@state.mn.us](mailto:dli.commissioner@state.mn.us)

## Minnesota Department of Management and Budget (MMB) Notice of Appointment of Commissioner Myron L. Frans

**NOTICE IS HEREBY GIVEN**, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Mark Dayton has appointed Myron L. Frans to the office of Commissioner of the Minnesota Department of Management and Budget (formerly Department of Finance), effective January 5, 2015. He replaces James D. Schowalter appointed January 3, 2011, who followed Commissioner Thomas J. Hanson who was appointed August 1, 2009.

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 Finance are:

- *Minnesota Statutes*, Chapters 16A
- *Minnesota Rules* 3900-3920

Commissioner Frans resides at 1704 Humboldt Avenue South, Minneapolis, Minnesota 55403, Hennepin County, Congressional

# Appointments

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District Five. He can be reached at the Minnesota Department of Finance, 400 Centennial Bldg., 658 Cedar Street, Saint Paul, Minnesota 55155. **Telephone:** (651) 201-8000. **Web site:** <http://www.mmb.state.mn.us>

## Mediation Services Bureau (BMS)

### Notice of Reappointment of Commissioner Josh L. Tilsen

**NOTICE IS HEREBY GIVEN**, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Mark Dayton reappointed Josh L. Tilsen to the office of Commissioner of the Minnesota Bureau of Mediation Services effective January 5, 2015. He was originally appointed on February 15, 2011. He succeeded Commissioner Robert J. Weisenburger who was appointed January 3, 2011.

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 Bureau of Mediation Services are:

- *Minnesota Statutes*, Chapters 179 and 179A
- *Minnesota Rules* 5505-5530

Commissioner Tilsen resides at 1124 Fairmount Avenue, Saint Paul, Minnesota 55105, Ramsey County, Congressional District Four. He can be reached at the Minnesota Bureau of Mediation Services, 1380 Energy Lane, Suite Two, St. Paul, Minnesota 55108-5253. **Telephone:** (651) 649-5421. **Web site:** <http://www.bms.state.mn.us>

## Minnesota Department of Natural Resources (DNR)

### Notice of Reappointment of Commissioner Thomas J. Landwehr

**NOTICE IS HEREBY GIVEN**, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Mark Dayton reappointed Thomas J. Landwehr to the office of Commissioner of the Minnesota Department of Natural Resources effective January 5, 2015. He was originally appointed January 6, 2011. He replaced Acting Commissioner Laurie Martinson who was appointed January 3, 2011, and Commissioner Mark Holsten who was appointed January 2, 2007.

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 Natural Resources are:

- *Minnesota Statutes*, Chapters 84, 84A, 85, 86, 86A, 88-94, 87-112
- *Minnesota Rules* 6100-6299

Commissioner Landwehr resides at 5824 Churchill Street, Shoreview, Minnesota 55126, Ramsey County, Congressional District Four. He can be reached at the Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, MN 55155-4001. **Telephone:** (651) 259-5022. **Toll-free:** 1-888-646-6367. **Web site:** <http://www.dnr.state.mn.us>. **E-mail:** [info@dnr.state.mn.us](mailto:info@dnr.state.mn.us)

## Minnesota Pollution Control Agency (MPCA)

### Notice of Reappointment of Commissioner John Linc Stine

**NOTICE IS HEREBY GIVEN**, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Mark Dayton reappointed John Linc Stine to the office of Commissioner of the Pollution Control Agency effective January 5, 2015. He was originally appointed on May 14, 2012, replacing Paul W. Aasen, appointed January 18, 2011, and Rebecca J. Flood, appointed January 3, 2011 Acting Commissioner. Paul Eger served as Commissioner prior to that, having been appointed January 26, 2009.

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 Pollution Control Agency are:

- *Minnesota Statutes*, Chapters 115-116H
- *Minnesota Rules* 4760, and 7000-7199

Commissioner Stine can be reached at 520 Lafayette Road, Saint Paul, Minnesota 55155, Ramsey County, Congressional District Four. He can be reached at the Minnesota Pollution Control Agency, 520 Lafayette Road North, Saint Paul, Minnesota 55155-4194. **Telephone:** (651) 296-6300. **Toll-free:** 1-800-657-3864. **Website:** <http://www.pca.state.mn.us>

## Minnesota Department of Public Safety (DPS) Notice of Reappointment of Commissioner Ramona L. Dohman

**NOTICE IS HEREBY GIVEN**, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Mark Dayton reappointed Ramona L. Dohman to the office of Commissioner of the Minnesota Department of Public Safety effective January 5, 2015. She was originally appointed March 1, 2011. She replaced Acting Commissioner Mary R. Ellison who was appointed January 24, 2011. Ellison replaced Acting Commissioner Michael W. Campion who was retained from his position as Commissioner in the previous administration, originally appointed on June 17, 2004.

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 Public Safety are:

- *Minnesota Statutes*, Chapters 12, 168-71, 299A-299I, 340
- *Minnesota Rules* 7400-7599

Commissioner Dohman resides at 9481 Dallas Lane, Maple Grove, Minnesota 55369, Ramsey County, Congressional District Three. She can be reached at the Minnesota Department of Public Safety, Bremer Tower, Suite 1000, 445 Minnesota Street, St. Paul, Minnesota 55101. **Telephone:** (651) 201-7160. **Web site:** <http://www.dps.state.mn.us>

## Minnesota Department of Revenue Notice of Appointment of Commissioner Cynthia Bauerly

**NOTICE IS HEREBY GIVEN**, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Mark Dayton appointed Cynthia Bauerly to the office of Commissioner of the Minnesota Department of Revenue effective January 5, 2015. She succeeds Myron L. Frans appointed April 21, 2011. He replaced Acting Commissioner Daniel Salomone, who held the position in the previous administration, having been appointed January 6, 2003.

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 Revenue are:

- *Minnesota Statutes*, Chapters 270-299
- *Minnesota Rules* 8000-8199

Commissioner Bauerly uses as her address 600 North Robert Street, St. Paul, Minnesota 55101, Ramsey County, Congressional District Four. She can be reached at the Minnesota Department of Revenue, 600 North Robert Street, St. Paul, MN 55146. **Telephone:** (651) 296-3403. **Internet home page:** <http://www.taxes.state.mn.us>

# Appointments

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

**NOTICE IS HEREBY GIVEN**, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Mark Dayton reappointed Charles A. Zelle to the office of Commissioner of the Minnesota Department of Transportation effective January 5, 2015. He had originally been appointed January 15, 2013. He replaces 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](mailto:info@dot.state.mn.us) **Road Condition Information:** dial 5-1-1, or go to: <http://www.511mn.org>

## Minnesota Department of Veterans Affairs Notice of Reappointment of Commissioner Major General Larry Shellito

**NOTICE IS HEREBY GIVEN**, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Mark Dayton reappointed Major General Larry Shellito to the office of Commissioner of the Minnesota Department of Veterans Affairs effective January 5, 2015. He was originally appointed on January 13, 2011. He succeeded Acting Commissioner Gilbert Acevedo who was appointed January 3, 2011. Acevedo succeeded Commissioner Michael Pugliese from the previous administration who was appointed April 14, 2010

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 Veterans Affairs are:

- *Minnesota Statutes*, Chapters 196, 197, 198
- *Minnesota Rules* 9050

Commissioner Shellito resides at 7597 Newbury Road, Woodbury, Minnesota 55125, Washington County, Congressional District Six. He can be reached at the Minnesota Department of Veterans Affairs, Veterans Service Bldg., 2nd Floor, 20 West 12th Street, St. Paul, Minnesota 55155. **Telephone:** (651) 296-2784. **Web site:** <http://www.mdva.state.mn.us>

## 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.

### **Minnesota State Agricultural Society (Minnesota State Fair) Notice of Annual Meeting Scheduled for Jan. 15-18**

**MINNESOTA STATE FAIRGROUNDS** — The 156th annual meeting of the Minnesota State Agricultural Society, governing body of the Minnesota State Fair, will be held Jan. 15-18 at the DoubleTree by Hilton Hotel Bloomington. The society's general business session is scheduled for 8 a.m. Sunday, Jan. 18, followed by a meeting of the society's board of managers. A complete schedule of meetings and events will be available at the hotel.

The 2015 Minnesota State Fair runs Aug. 27 - Labor Day, Sept. 7.

Dated: January 5, 2015

### **Minnesota Housing Finance Agency (MHFA) Notice of Hearing on Bond Issuance for 47-unit Sunwood Village**

**NOTICE IS HEREBY GIVEN** that the Minnesota Housing Finance Agency will hold a public hearing at 9:00 a.m. on Tuesday, January 27, 2015, at its offices at 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101, for the purpose of taking public comment regarding the issuance of its tax-exempt bonds in one or more series issued on one or more dates in the maximum respective principal amount set forth below, including a plan of finance therefor. The Bonds are proposed to be issued to fund one or more mortgage loans to pay for all or a portion of the costs of acquisition and construction of the following development, including facilities related and subordinate thereto, for residential rental housing:

A 47-unit single building multi-story apartment development to be known as Sunwood Village located at Outlot A, north of Veterans Drive and south of Sunwood Drive, 1050 feet east of the intersection of Sunwood Drive and Veterans Drive, Ramsey, MN 55303, proposed to be acquired and constructed by CB Ramsey Housing Limited Partnership, a Minnesota limited partnership, or an affiliate thereof or successor thereto, as its initial owner, operator or manager; one of the managing partners of which will be CB Ramsey Housing LLC, a Minnesota limited liability company, or another entity owned by CommonBond Communities, Saint Paul, Minnesota. The maximum principal amount of the Bonds for this development is \$7,900,000.

Additional information may be obtained from the Minnesota Housing Finance Agency, Attn: Caryn Polito (651) 297-3123. Parties wishing to comment on the issuance of the Bonds may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing.

Dated: 9 January 2015

Mary Tingerthal, Commissioner  
Minnesota Housing Finance Agency

## Official Notices

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### Minnesota Housing Finance Agency (MHFA) Notice of Hearing on Bond Issuance for 504-unit Skyline Tower

**NOTICE IS HEREBY GIVEN** that the Minnesota Housing Finance Agency will hold a public hearing at 9:00 a.m. on Tuesday, January 27, 2015, at its offices at 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101, for the purpose of taking public comment regarding the issuance of its tax-exempt bonds in one or more series issued on one or more dates in the maximum respective principal amount set forth below, including a plan of finance therefor. The Bonds are proposed to be issued to fund one or more mortgage loans to pay for all or a portion of the costs of acquisition and rehabilitation of the following development, including facilities related and subordinate thereto, for residential rental housing:

A 504-unit single building 24 story apartment development known as Skyline Tower located at 1247 St. Anthony Avenue, Saint Paul, MN 55104, proposed to be acquired and rehabilitated by Skyline Tower of St. Paul LP, a Minnesota limited partnership, or an affiliate thereof or successor thereto, as its initial owner, operator or manager; one of the managing partners of which will be CommonBond Investment Corporation, a Minnesota for-profit corporation, or another entity owned by CommonBond Communities, Saint Paul, Minnesota. The maximum principal amount of the Bonds for this development is \$11,300,000.

Additional information may be obtained from the Minnesota Housing Finance Agency, Attn: Anne Heitlinger (651) 296-9841. Parties wishing to comment on the issuance of the Bonds may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing.

Dated: 12 January 2015

Mary Tingerthal, Commissioner  
Minnesota Housing Finance Agency

### Minnesota Housing Finance Agency (MHFA) Notice of Hearing on Bond Issuance for 75-unit Hawthorne EcoVillage Apartments

**NOTICE IS HEREBY GIVEN** that the Minnesota Housing Finance Agency will hold a public hearing at 9:00 a.m. on Tuesday, January 27, 2015, at its offices at 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101, for the purpose of taking public comment regarding the issuance of its tax-exempt bonds in one or more series issued on one or more dates in the maximum respective principal amount set forth below, including a plan of finance therefor. The Bonds are proposed to be issued to fund one or more mortgage loans to pay for all or a portion of the costs of acquisition and construction of the following development, including facilities related and subordinate thereto, for residential rental housing:

A 75-unit three building multi-story apartment development to be known as Hawthorne EcoVillage Apartments to be located at the southeast quadrant of the intersection of Lowry Avenue and Lyndale Avenue, Minneapolis, MN 55411, proposed to be acquired and constructed by Hawthorne EcoVillage Limited Partnership, a Minnesota limited partnership, or an affiliate thereof or successor thereto, as its initial owner, operator or manager; one of the managing partners of which will be PPL Hawthorne EcoVillage LLC, a Minnesota limited liability company, or another entity owned by Project for Pride in Living, Inc., a Minnesota nonprofit corporation, Minneapolis, Minnesota. The maximum principal amount of the Bonds for this development is \$3,500,000.

Additional information may be obtained from the Minnesota Housing Finance Agency, Attn: Terri Parker (651) 297-5141. Parties wishing to comment on the issuance of the Bonds may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing.

Dated: 12 January 2015

Mary Tingerthal, Commissioner  
Minnesota Housing Finance Agency

## **Minnesota Housing Finance Agency (MHFA) Notice of Hearing on Bond Issuance for 20-unit Hiawatha Bluffs Living**

**NOTICE IS HEREBY GIVEN** that the Minnesota Housing Finance Agency will hold a public hearing at 9:00 a.m. on Tuesday, January 27, 2015, at its offices at 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101, for the purpose of taking public comment regarding the issuance of its tax-exempt bonds in one or more series issued on one or more dates in the maximum respective principal amount set forth below, including a plan of finance therefor. The Bonds are proposed to be issued to fund one or more mortgage loans to pay for all or a portion of the costs of acquisition and construction of the following development, including facilities related and subordinate thereto, for residential rental housing:

A 20-unit single building multi-story apartment development to be known as Hiawatha Bluffs Living located between 1429 and 1437 W. Service Drive, Winona, MN 55987, proposed to be acquired and constructed by a yet-to-be formed entity, the general partner of which will be a Minnesota limited liability company, or another entity owned by Hiawatha Valley Mental Health Center, Winona, Minnesota. The maximum principal amount of the Bonds for this development is \$2,950,000.

Additional information may be obtained from the Minnesota Housing Finance Agency, Attn: Caryn Polito (651) 297-3647. Parties wishing to comment on the issuance of the Bonds may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing.

Dated: 12 January 2015

Mary Tingerthal, Commissioner  
Minnesota Housing Finance Agency

## **Minnesota Housing Finance Agency (MHFA) Notice of Hearing on Bond Issuance for 100-unit Veterans East**

**NOTICE IS HEREBY GIVEN** that the Minnesota Housing Finance Agency will hold a public hearing at 9:00 a.m. on Tuesday, January 27, 2015, at its offices at 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101, for the purpose of taking public comment regarding the issuance of its tax-exempt bonds in one or more series issued on one or more dates in the maximum respective principal amount set forth below, including a plan of finance therefor. The Bonds are proposed to be issued to fund one or more mortgage loans to pay for all or a portion of the costs of acquisition and construction of the following development, including facilities related and subordinate thereto, for residential rental housing:

A 100-unit single building multi-story apartment development to be known as Veterans East located at southwest corner of 54<sup>th</sup> Street East and Hiawatha Avenue in unincorporated Hennepin County, MN 55417, proposed to be acquired and constructed by a yet-to-be formed Minnesota limited partnership, as its initial owner, operator or manager; one of the managing partners of which will be Community Housing Development Corporation, a Minnesota corporation, or a Minnesota limited liability company owned by Community Housing Development Corporation. The maximum principal amount of the Bonds for this development is \$8,200,000.

Additional information may be obtained from the Minnesota Housing Finance Agency, Attn: Ted Tulashie (651) 297-3119. Parties wishing to comment on the issuance of the Bonds may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing.

Dated: 12 January 2015

Mary Tingerthal, Commissioner  
Minnesota Housing Finance Agency

# Official Notices

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## Minnesota Housing Finance Agency (MHFA) Notice of Hearing on Bond Issuance for 44-unit Prior Crossing

**NOTICE IS HEREBY GIVEN** that the Minnesota Housing Finance Agency will hold a public hearing at 9:00 a.m. on Tuesday, January 27, 2015, at its offices at 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101, for the purpose of taking public comment regarding the issuance of its tax-exempt bonds in one or more series issued on one or more dates in the maximum respective principal amount set forth below, including a plan of finance therefor. The Bonds are proposed to be issued to fund one or more mortgage loans to pay for all or a portion of the costs of acquisition and construction of the following development, including facilities related and subordinate thereto, for residential rental housing:

A 44 unit single building multi-story apartment development to be known as Prior Crossing located at 1949 University Avenue West, Saint Paul, MN 55104, proposed to be acquired and constructed by Prior Crossing Limited Partnership, a Minnesota limited partnership, or an affiliate thereof or successor thereto, as its initial owner, operator or manager; one of the managing partners of which will be Prior Crossing, LLC, a Minnesota limited liability company, or another entity owned by Beacon Interfaith Housing Collaborative, Saint Paul, Minnesota. The maximum principal amount of the Bonds for this development is \$5,600,000.

Additional information may be obtained from the Minnesota Housing Finance Agency, Attn: Dan Walsh (651) 296-3797. Parties wishing to comment on the issuance of the Bonds may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing.

Dated: 12 January 2015

Mary Tingerthal, Commissioner  
Minnesota Housing Finance Agency

## Minnesota Housing Finance Agency (MHFA) Notice of Hearing on Bond Issuance for 48-unit Beacon Hill

**NOTICE IS HEREBY GIVEN** that the Minnesota Housing Finance Agency will hold a public hearing at 9:00 a.m. on Tuesday, January 27, 2015, at its offices at 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101, for the purpose of taking public comment regarding the issuance of its tax-exempt bonds in one or more series issued on one or more dates in the maximum respective principal amount set forth below, including a plan of finance therefor. The Bonds are proposed to be issued to fund one or more mortgage loans to pay for all or a portion of the costs of acquisition and construction of the following development, including facilities related and subordinate thereto, for residential rental housing:

A 48-unit development composed of a 20unit single one-story apartment building and 28 townhome units to be known as Beacon Hill located approximately 400 feet east of South East 2<sup>nd</sup> Avenue and north of South East 21<sup>st</sup> Street, Grand Rapids, MN 55744, proposed to be acquired and constructed by Beacon Hill Plaza LP, a Minnesota limited partnership, or an affiliate thereof or successor thereto, as its initial owner, operator or manager; one of the managing partners of which will be Beacon Hill Plaza LLC, a Minnesota limited liability company, or another entity owned by Itasca County HRA, Grand Rapids, Minnesota. The maximum principal amount of the Bonds for this development is \$6,800,000.

Additional information may be obtained from the Minnesota Housing Finance Agency, Attn: Marty McCarthy (651) 284-3178. Parties wishing to comment on the issuance of the Bonds may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing.

Dated: 11 January 2015

Mary Tingerthal, Commissioner  
Minnesota Housing Finance Agency



## **Minnesota Housing Finance Agency (MHFA) Notice of Hearing on Bond Issuance on 193-unit Higher Ground**

**NOTICE IS HEREBY GIVEN** that the Minnesota Housing Finance Agency will hold a public hearing at 9:00 a.m. on Tuesday, January 27, 2015, at its offices at 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101, for the purpose of taking public comment regarding the issuance of its tax-exempt bonds in one or more series issued on one or more dates in the maximum respective principal amount set forth below, including a plan of finance therefor. The Bonds are proposed to be issued to fund one or more mortgage loans to pay for all or a portion of the costs of acquisition and construction of the following development, including facilities related and subordinate thereto, for residential rental housing:

A 193-unit singlebuilding multi-story multifamily permanent supportive housing development to be known as Higher Ground located at or near 411 Main Street, Saint Paul, MN 55102 on Lots 1 through 5 Block 1 and Outlots A, B, C, D, E, F, G, H and I according to the recorded plat thereof in Ramsey County, MN, proposed to be acquired and constructed by Dorothy Day LLC, a Minnesota limited liability company, or an affiliate thereof or successor thereto, as its initial owner, operator or manager; one of the managing partners of which will be Catholic Charities of Saint Paul and Minneapolis, or another entity of Catholic Charities of Saint Paul and Minneapolis. The maximum principal amount of the Bonds for this development is \$20,900,000.

Additional information may be obtained from the Minnesota Housing Finance Agency, Attn: Terri Parker (651) 297-5141. Parties wishing to comment on the issuance of the Bonds may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing.

Dated: 12 January 2015

Mary Tingerthal, Commissioner  
Minnesota Housing Finance Agency

## **Minnesota Housing Finance Agency (MHFA) Notice of Hearing on Bond Issuance for 78-unit Little Earth of United Tribes**

**NOTICE IS HEREBY GIVEN** that the Minnesota Housing Finance Agency will hold a public hearing at 9:00 a.m. on Tuesday, January 27, 2015, at its offices at 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101, for the purpose of taking public comment regarding the issuance of its tax-exempt bonds in one or more series issued on one or more dates in the maximum respective principal amount set forth below, including a plan of finance therefor. The Bonds are proposed to be issued to fund one or more mortgage loans to pay for all or a portion of the costs of acquisition and construction of the following development, including facilities related and subordinate thereto, for residential rental housing:

A 78-unit three building multi-story apartment development to be known as Little Earth of United Tribes located at 2432 Cedar Avenue, South, 2434 Cedar Avenue South, and 2499 Cedar Avenue South, Minneapolis, MN 55404, proposed to be acquired and constructed by a yet-to-be formed entity, the managing partner of which will be an entity owned by Little Earth Tribes Housing Corporation, a Minnesota nonprofit corporation, Minneapolis, Minnesota. The maximum principal amount of the Bonds for this development is \$4,500,000.

Additional information may be obtained from the Minnesota Housing Finance Agency, Attn: Anne Heitlinger (651) 296-9841. Parties wishing to comment on the issuance of the Bonds may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing.

Dated: 12 January 2015

Mary Tingerthal, Commissioner  
Minnesota Housing Finance Agency

# Official Notices

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## Minnesota Housing Finance Agency (MHFA) Notice of Hearing on Bond Issuance for 55-unit Rochester Youth and Family Housing

**NOTICE IS HEREBY GIVEN** that the Minnesota Housing Finance Agency will hold a public hearing at 9:00 a.m. on Tuesday, January 27, 2015, at its offices at 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101, for the purpose of taking public comment regarding the issuance of its tax-exempt bonds in one or more series issued on one or more dates in the maximum respective principal amount set forth below, including a plan of finance therefor. The Bonds are proposed to be issued to fund one or more mortgage loans to pay for all or a portion of the costs of acquisition and construction of the following development, including facilities related and subordinate thereto, for residential rental housing:

A 55-unit multi-story single building apartment development to be known as Rochester Youth and Family Housing located in the southwest quadrant of the intersection of 40<sup>th</sup> Street NW and 10<sup>th</sup> Lane NW, Rochester, MN 55901, proposed to be acquired and constructed by Rochester Youth & Families LLLP, a Minnesota limited liability limited partnership, or an affiliate thereof or successor thereto, as its initial owner, operator or manager; one of the managing partners of which will be CCHC Developer Rochester, LLC, a Minnesota limited liability company, or another entity owned by CCHC Developer Rochester, LLC, Duluth, Minnesota. The maximum principal amount of the Bonds for this development is \$8,700,000.

Additional information may be obtained from the Minnesota Housing Finance Agency, Attn: Anne Heitlinger (651) 296-9841. Parties wishing to comment on the issuance of the Bonds may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing.

Dated: 12 January 2015

Mary Tingerthal, Commissioner  
Minnesota Housing Finance Agency

## Minnesota Housing Finance Agency (MHFA) Notice of Hearing on Bond Issuance for 37-unit VA Housing St. Cloud

**NOTICE IS HEREBY GIVEN** that the Minnesota Housing Finance Agency will hold a public hearing at 9:00 a.m. on Tuesday, January 27, 2015, at its offices at 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101, for the purpose of taking public comment regarding the issuance of its tax-exempt bonds in one or more series issued on one or more dates in the maximum respective principal amount set forth below, including a plan of finance therefor. The Bonds are proposed to be issued to fund one or more mortgage loans to pay for all or a portion of the costs of acquisition and construction of the following development, including facilities related and subordinate thereto, for residential rental housing:

A 37-unit single building multi-story apartment development currently known as VA Housing St. Cloud located north of 12<sup>th</sup> Street N. and east of 44<sup>th</sup> Avenue N., immediately west of 4055 12<sup>th</sup> Street N. on the VA Medical Center Campus, St. Cloud, MN 56303, proposed to be acquired and constructed by CBVA St. Cloud Limited Partnership, a Minnesota limited partnership, or an affiliate thereof or successor thereto, as its initial owner, operator or manager; one of the managing partners of which will be St. Cloud EUL Partners, LLC, a Minnesota limited liability company, whose managing members will include SCI Associates, LLC, a Minnesota limited liability company, or another entity affiliated with Sand Companies, Inc., Waite Park, Minnesota, and Affordable Housing Initiatives, a Minnesota nonprofit corporation. The maximum principal amount of the Bonds for this development is \$2,200,000.

Additional information may be obtained from the Minnesota Housing Finance Agency, Attn: Dan Walsh (651-296-3797). Parties wishing to comment on the issuance of the Bonds may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing.

Dated: January 11, 2015.

Mary Tingerthal, Commissioner  
Minnesota Housing Finance Agency

**Minnesota Department of Labor and Industry (DLI)  
Labor Standards Unit****Notice of Correction to Highway Heavy Prevailing Wage Rates and Notice of  
Correction to Commercial Prevailing Wage Rates**

Corrections have been made to the Highway Heavy Prevailing Wage Rates certified 10/20/2014 for:

- Labor Code 715** (Painters - Including Hand brushed, hand sprayed, and the taping of pavement markings) in Regions 2 and 4.
- Labor Code 717** (Pipefitters.Steamfitters) in Region 10.

**Notice of Correction to Commercial Prevailing Wage Rates**

Corrections have been made to the Commercial Prevailing Wage Rates certified 12/8/2014 for:

- Labor Code 101**, Laborer, Skilled (assisting skilled craft journeyman), in Cass County.
- Labor Code 102**, Laborer, Skilled (assisting skilled craft journeyman), in Cass and Clay County.
- Labor Code 104**, Flag Person, in Cass, Clay County
- Labor Code 105**, Watch Person, in Clay County
- Labor Code 106**, Blaster, in Clay County
- Labor Code 108**, Tunnel Miner, in Clay County
- Labor Code 109**, Underground & Open Ditch Laborer, in Cass, Clay County
- Labor Code 107**, Pipelayer (Water, Sewer and Gas), in Clay, Jackson, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Rock, Watonwan and Yellow Medicine County.
- Labor Code 111**, Traffic Control Person (temporary signage), in Cass County

**Group 1** (Labor Codes 501 through 503), in Hennepin, Nicollet, and Wabasha County.

**Group 2** (Labor Codes 504 through 507), in Nicollet and Wabasha County

**Group 3** (Labor Codes 508 through 514), in Beltrami, Nicollet, and Wabasha County

**Group 4** (Labor Codes 515 through 520), in Beltrami and Wabasha County

**Group 7** (Labor Codes 541 through 547), in Nicollet and Wabasha County

**Group 8** (Labor Codes 548 through 550), in Nicollet and Wabasha County

**Labor Code 701**, Heating and Frost Insulators, in Pine County

**Labor Code 703**, Bricklayers, in Pine County

**Labor Code 704**, Carpenters, in Pine County

**Labor Code 705**, Carpet Layers (Linoleum), in Pine County

**Labor Code 706**, Cement Masons, in Pine County

**Labor Code 707**, Electricians, in Pine

**Labor Code 717**, Pipefitters.Steamfitters, in Cook and Goodhue County

**Labor Code 719**, Plumbers, in Cook and Goodhue County

**Labor Code 721**, Sheet Metal Workers in Anoka and Becker County

Copies with the corrected certified wage rates for these Counties and Regions may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road N., St. Paul, MN 55155-4306, or by calling (651) 284-5091, or accessing our web site at: [www.dli.mn.gov](http://www.dli.mn.gov).

Ken B. Peterson, Commissioner  
Department of Labor and Industry

# Official Notices

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## Minnesota Department of Transportation (Mn/DOT) Notice to Bidders: Suspensions/Debarments as of September 17, 2014

### NOTICE OF SUSPENSION

**NOTICE IS HEREBY GIVEN** that MnDOT has ordered that the following vendors be suspended effective July 8, 2014:

- Marlin Dahl, Granada, MN
- Dahl Trucking, Elmore, MN
- Elmore Truck and Trailer, Inc., Elmore, MN

### NOTICE OF DEBARMENT

**NOTICE IS HEREBY GIVEN** that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective May 6, 2013 until May 6, 2016:

- Gary Francis Bauerly and his affiliates, Rice, MN
- Gary Bauerly, LLC and its affiliates, Rice, MN
- Watab Hauling Co. and its affiliates, Rice, MN

**NOTICE IS HEREBY GIVEN** that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective September 17, 2014 until September 17, 2017:

- Jeffrey Plzak and his affiliates, Loretto, MN
- Laurie Plzak and her affiliates, Loretto, MN
- Honda Electric Incorporated and its affiliates, Loretto, MN
- Jeffrey and Laurie Plzak doing business as Honda Electric Logistics, and its affiliates, Loretto, 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.

## Minnesota Department of Transportation (Mn/DOT) Notice of Public Hearing on Statewide Rail Plan

ST. PAUL, Minn. – A Public Hearing on the 2015 update of the Minnesota State Rail Plan will be held on February 10, 2015, 3:00-4:30 PM, in Room G14, Minnesota Department of Transportation Central Office, 395 John Ireland Blvd., St. Paul, MN, according to the Minnesota Department of Transportation.

The plan integrates the latest status and information about the four active passenger rail projects, re-evaluation of possible new passenger rail corridors for regional intercity travel, update of freight commodity flows and trends and development of a freight and passenger rail project list for planning and investment purposes.

MnDOT's outreach to date has included a first round of introductory Open Houses beginning in October, 2014, and a second round of Open Houses to review drafts of the Plan changes beginning in January, 2015, as well as numerous other contacts with specific stakeholders and groups.

A draft of the plan is available for the public's review on MnDOT's **statewide rail plan website**. The Minnesota State Rail Plan covers the state's freight and passenger rail system. It provides guidance and priorities for state transportation decisions to ensure that

efficient, competitive services are available to rail customers and to enhance freight access to local and global markets.

The Minnesota State Rail Plan aligns with other MnDOT planning documents, including Minnesota GO, the Statewide Multimodal Transportation Plan, and the Minnesota State Highway Investment Plan to provide a framework for effective use of the state's and the region's freight and passenger rail network and its future development.

Dated: 12 January 2015

Contact: Sue Roe, phone: (651) 366-4268

### State Grants & Loans

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

SEE ALSO: Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

## Minnesota Department of Health (MDH) Health Care Homes Section Request for Proposals for Practice Facilitation Grant Program to be Released Thursday, January 15, 2015

The Minnesota Department of Health (MDH) requests proposals for the Minnesota Accountable Health Model (SIM) Practice Facilitation grant program. Approximately \$1,016,000 is available to fund two to five practice facilitation projects. The goal of these projects is to support a range of providers and teams in primary care, behavioral health, social services, and/or long term/ post-acute care to allow team members to participate in transformation activities that help remove barriers to care integration.

Eligible applicants include: Organizations qualified to implement practice facilitation services must be demonstrated through the organization's capacity and experience and/or contracted relationships in place. The staff or contractors must be qualified through experience to do practice facilitation with primary care, behavioral health, social services, and long term/ post-acute care services.

Proposals must be received by 4:00 pm CST, Tuesday, March 3, 2015, at the Minnesota Department of Health, 85 West Seventh Street, Suite 220, St. Paul, MN 55101, attention Janet Howard. Late proposals will not be considered. An optional webinar on the Practice Facilitation RFP is scheduled for Thursday, January 29, 2015, 10:00 AM- 11:00 AM CST.

# State Grants & Loans

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To register for the webinar go to:

<https://health-state-mn-ustraining.webex.com/health-state-mn-ustraining/k2/j.php?MTID=te07978e3879f8a3939cf8c302664d3a7>

A copy of the complete request for proposals may be accessed at the **Minnesota Accountable Health Model-SIM-(RFPs)**

[http://www.dhs.state.mn.us/main/idcplg?IdcService=GET\\_DYNAMIC\\_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=SIM\\_RFPs](http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=SIM_RFPs)

For more information contact Janet Howard at [janet.howard@state.mn.us](mailto:janet.howard@state.mn.us)

## State Contracts

In addition to the following listing of state contracts, readers are advised to check the Statewide Integrated Financial Tools (SWIFT) Supplier Portal at: <http://supplier.swift.state.mn.us> as well as the Office of Grants Management (OGM) at:

<http://www.grants.state.mn.us/public/>

**Informal Solicitations:** Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be advertised in the Supplier Portal (see link above) or posted on the Department of Administration, Materials Management Division's (MMD) Web site at: <http://www.mmd.admin.state.mn.us/solicitations.htm>.

**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 advertised in the SWIFT Supplier Portal or alternatively, in the *Minnesota State Register* if the procurement is not being conducted in the SWFT system.

## University of Minnesota (U of M)

### Minnesota State Department of Administration

#### State Designer Selection Board Project No. 15-01

#### Notice of Availability of Request for Proposal (RFP) for Designer Selection for Chemical Sciences and Advance Materials Building – University of Minnesota, Duluth

The State of Minnesota, acting through its Board of Trustees for the University of Minnesota, through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota Department of Administration's website at:

<http://mn.gov/admin/government/construction-projects/sdsb/sdsb-projects.jsp> (click 15-01).

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## State Contracts

A **MANDATORY** informational meeting is scheduled for **Wednesday, January 14, 2015 at 11:00 am CT in the Darland Administration Building, Room 520 located at 1049 University Drive, Duluth.**

Any questions should be directed to Ian Baebenroth at [ifb@umn.edu](mailto:ifb@umn.edu) . Project questions will be taken by this individual only. Questions regarding this RFP must be received by **Friday, January 16, 2015** no later than **3:00 p.m.** Central Time.

Proposals must be delivered to Talia Landucci Owen, Executive Secretary, State Designer Selection Board, Real Estate and Construction Services, Room 309, Administration Building, 50 Sherburne Ave., St. Paul, MN 55155, phone: (651) 201-2372 not later than **12:00 noon on Monday, January 26, 2015.** Late responses will not be considered.

The University of Minnesota is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

### **Minnesota State Colleges and Universities (MnSCU) St. Cloud State University Notice of Availability of Request for Proposal (RFP) for Owner's Representative Services for Student Health and Academic Renovation - Eastman Hall**

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of St. Cloud State University is soliciting proposals from interested, qualified consultants for Owner's representation services for the above referenced project.

A full Request for Proposal will be available on January 12, 2015 at: <http://www.stcloudstate.edu/facilities/project-docs.aspx>

A copy of the pre-design is available for review at: <http://www.stcloudstate.edu/facilities/project-docs.aspx>

Proposals must be delivered to Lisa Sparks, Purchasing Department, Administrative Services Building, Room 122, 720 - 4<sup>th</sup> Avenue South, St. Cloud, MN 56301 not later than **3:00 PM, February 4, 2015.**

Minnesota State Colleges and Universities is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

### **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.

# State Contracts

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Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to 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](http://www.dot.state.mn.us/consult)

New Public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice. Mn/DOT is also posting notices as required by the Taxpayers' Transportation Accountability Act on the above referenced website.

## Minnesota Zoo Notice for the Minnesota Zoo Amphitheater Seating Renovation

Work at the Weesner Family Amphitheater can be broken into three sections as outlined below:

**Bench Removal, Fabrication and Replacement** - This project involves the removal of existing laminated redwood benches at the Weesner Family Amphitheater and the installation of new laminated redwood benches. The selected contractor is responsible for the fabrication and installation of the new laminated redwood benches and all necessary hardware associated with their installation. The new redwood benches are to match the standards and specifications of the existing redwood benches. The existing redwood benches, once removed, are to be recycled and/or stored in accordance with the wishes of the Minnesota Zoo. The selected contractor is to provide shop drawings for approval by Zoo staff prior to fabrication of redwood seating.

The new laminated redwood benches are to include a seat numbering system as specified by the Minnesota Zoo. The new seat numbers/labels must be durable, clearly visible and should not obtrude the guest experience.

Unless otherwise specified, all redwood seating and hardware is to be replaced in full. No portion of the existing seats is to be reused or recycled unless authorized by a representative of the Minnesota Zoo.

**Concrete Stadia Cleaning** - The concrete stadia beneath the benches is to be thoroughly cleaned through power washing or other determined method after removal of existing redwood benches and prior to installation of new redwood benches. Any and all contaminated



water or chemical runoff associated with cleaning the concrete stadia is to be properly captured and removed or processed in accordance with local rules and environmental regulations.

**Bench Cover Fabrication** - A winterization system in the form of tarps or covers is to accompany the new redwood seating. The selected contractor is responsible for the production of the seat protection system. Shop drawings must be provided for approval by Zoo staff prior to fabrication of seat winterization system.

It is the intent of the Minnesota Zoo to use the seat protection system or seat covers to prevent wear and tear to the redwood benches during the harsh Minnesota winter months. The seat protection system must be easy to install and remove and must be reusable and durable. Anchor points should be installed along with the system to ensure that the tarps can be securely fastened.

Project details are included in the complete Request for Proposals which is available by request. To access the RFP, email **Zach Eling, Minnesota Zoo Project Manager at Zachary.eling@state.mn.us**. The deadline for submitting a proposal is **11:00 AM., CST, February 3, 2015**

This Request for Proposals does not obligate the State of Minnesota or the Minnesota Zoo to complete the work contemplated in this notice and the State reserves the right to cancel this solicitation. All expenses incurred in response to this notice are solely the responsibility of the responder.

# Non-State Public Bids, Contracts & Grants

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

Besides the following listing, readers are advised to check: <http://www.mmd.admin.state.mn.us/solicitations.htm> as well as the Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>.

## PrimeWest Health

### Notice of Request for Proposals (RFP) for an Electronic Enrollment Platform System

**NOTICE IS HEREBY GIVEN** that PrimeWest Health, on behalf of the County Employee Health Coverage (CEC) project, is requesting proposals for one vendor to provide an electronic enrollment platform system for use by a group of rural Minnesota counties that intend to pool together for health and benefits insurance.

Plans for pilot employer groups are proposed to start January 1, 2016, with all participating groups expected to start utilizing services effective January 1, 2017.

The deadline for proposals is at **4 p.m., Central Time on February 13, 2015**. Late proposals will not be considered. Awards will be announced by **April 6, 2015**. A Request for Proposals will be available from PrimeWest Health through **January 26, 2015**, at the below addresses. A written request (by direct mail or email) is required to receive the Request for Proposal.

Al Carlson  
PrimeWest Health  
3905 Dakota St  
Alexandria, MN 56308  
**E-mail:** [al.carlson@primewest.org](mailto:al.carlson@primewest.org)

If you have questions about the Request for Proposals, e-mail: [al.carlson@primewest.org](mailto:al.carlson@primewest.org) and use the subject line ENROLLMENT PLATFORM RFP QUESTION.

This Request for Proposal is subject to all applicable Federal, State, and municipal laws, rules, and regulations. This Request for Proposals does not obligate PrimeWest Health to complete the work contemplated in this notice or to spend the estimated dollar amount. PrimeWest Health reserves the rights to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## PrimeWest Health

### Notice of Request for Proposals (RFP) for Health Savings Account (HSA), Flexible Spending Account (FSA), Health Reimbursement Account (HRA), and Voluntary Employee Beneficiary Association (VEBA) (a.k.a. Consumer-Driven Health Plan [CDHP] vendors) Benefits Administration Systems and Services

**NOTICE IS HEREBY GIVEN** that PrimeWest Health, on behalf of the County Employee Health Coverage (CEC) project, is requesting proposals for one vendor to provide **Health Savings Account (HSA), Flexible Spending Account (FSA), Health Reimbursement Account (HRA), and Voluntary Employee Beneficiary Association (VEBA) (a.k.a. Consumer-Driven Health Plan [CDHP] vendors) benefits administration systems and services** to a group of rural Minnesota counties that intend to pool together for health and benefits insurance.

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## Non-State Public Bids, Contracts & Grants

Plans for pilot employer groups are proposed to start January 1, 2016, with all participating groups expected to start utilizing services effective January 1, 2017.

The deadline for proposals is at **4 p.m., Central Time on February 13, 2015**. Late proposals will not be considered. Awards will be announced by **April 6, 2015**. A Request for Proposals will be available from PrimeWest Health through **January 26, 2015**, at the below addresses. A written request (by direct mail or email) is required to receive the Request for Proposal.

Al Carlson  
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3905 Dakota St  
Alexandria, MN 56308  
**E-mail:** [al.carlson@primewest.org](mailto:al.carlson@primewest.org)

If you have questions about the Request for Proposals, e-mail: [al.carlson@primewest.org](mailto:al.carlson@primewest.org) and use the subject line CDHP AC-COUNTS RFP QUESTION.

This Request for Proposal is subject to all applicable Federal, State, and municipal laws, rules, and regulations. This Request for Proposals does not obligate PrimeWest Health to complete the work contemplated in this notice or to spend the estimated dollar amount. PrimeWest Health reserves the rights to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

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- ♦ **On-line orders:** www.minnesotasbookstore.com
- ♦ **Minnesota Relay Service:** 8 a.m. - 5 p.m. Monday - Friday, 1.800.627.3529 (nationwide toll-free)
- ♦ **Fax** (credit cards): 651.215.5733 (fax line available 24 hours/day)
- ♦ **Mail orders:** Orders can be sent to Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155

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