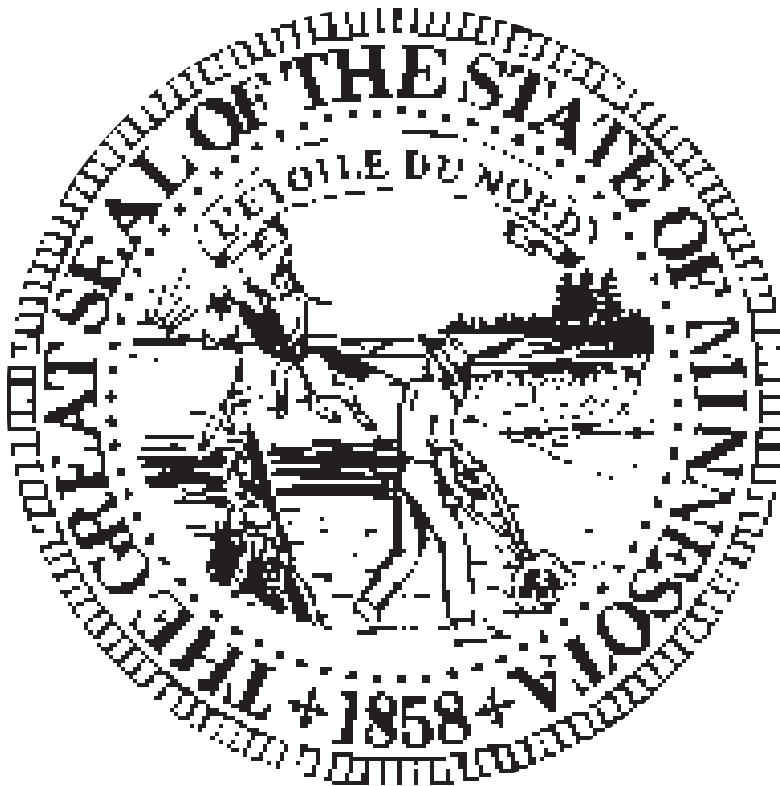


State of Minnesota

# State Register

Rules and Official Notices Edition



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# State Register

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

The *State Register* is the official publication of the State of Minnesota, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
- certificates of assumed name, registration of insignia and marks

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Vol. 13 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
#52	Monday 28 June	Noon Wednesday 16 June	Noon Tuesday 22 June
Vol. 24 #1	Tuesday 6 July	Noon Wednesday 23 June	Noon Tuesday 29 June
#2	Monday 12 July	Noon Wednesday 30 June	Noon Tuesday 6 July
#3	Monday 19 July	Noon Wednesday 7 July	Noon Tuesday 13 July

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# Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1997 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (651) 297-3000, or toll-free 1-800-657-3757.

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# Proposed Rules

## Comments on Planned Rules or Rule Amendments

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

## Rules to be Adopted After a Hearing

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

## Rules to be Adopted Without a Hearing

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

## Department of Agriculture

### Proposed Permanent Rules Relating to Seed Potatoes and Repeal of Rules Relating to Food Packaging and Labeling, Cold Storage Warehouses, Food Definitions, and Standards

#### NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

**Proposed Amendments to Rules Governing Seed Potatoes** *Minnesota Rules* 1555.6730, 1555.6800, 1555.6840 and 1555.6845; **and Repealing Rules Governing Food Packaging and Labeling, Cold Storage Warehouses, and Food Definitions and Standards,** *Minnesota Rules* 1550.0020 to 1550.0040, 1550.0060, 1550.0080, 1550.0160 to 1550.0190, 1550.0290, 1550.0380, 1550.0420 to 1550.0510, 1550.0550, 1550.0560, 1550.0850, 1550.1610, 1550.2160, 1550.2270, 1550.2290, 1550.2300, and 1555.0020 to 1555.2200.

**Introduction.** The Minnesota Department of Agriculture intends to adopt amendments to permanent rules without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.22-14.28 and rules of the Office of Administrative Hearings parts 1400.2300-1400.2310. You have 30 days to submit written comments on the proposed amendments and may also submit a written request that a hearing be held on the amendments.

**Agency Contact Person.** Comments or questions on the amendments and written requests for a public hearing on the amendments must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107; Phone 651-296-6906, Fax 651-297-5522. TTY users may contact the Department of Agriculture through Minnesota Relay Service at 1-800-627-3529.

**Subject of Rules and Statutory Authority.** The proposed amendments are about physical separation for seed potato planting, changing the term tolerances to requirements for seed potato certification eligibility, field inspection and laboratory testing requirements and winter testing. The proposed repeal deletes obsolete rules that govern food packaging and labeling, cold storage warehouses, and food definitions and standards that conflict with federal rules or state statutes and have not been enforced for several years. The statutory authority to adopt the amendments to the seed potato rules is *Minnesota Statutes*, section 21.118. The statutory authority to repeal the food rules is *Minnesota Statutes*, section 31.11 and 31.101. A copy of the proposed amendments is published in the *State Register*. A free copy of the rule is available upon request from the agency contact person listed above, or available from the *State Register* web site at [www.comm.media.state.mn.us/monmag/srmain/htm](http://www.comm.media.state.mn.us/monmag/srmain/htm).

**Comments.** You have until 4:30 p.m. July 28, 1999, to submit written comment in support of or in opposition to the proposed amendments or any subpart of the amendments. Your comments must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed amendments addressed and the reason for the comment. You are encouraged to propose any change desired. Any comment you would like to make on the legality of the proposed rule must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the amendments. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on July 28, 1999. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed amendments to which you object or state that you oppose the entire rule. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed amendments.

**Withdrawal of Requests.** If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their request in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131-14.20.

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

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

**Adoption and Review of the Rules.** If no hearing is required, the agency may adopt the amendments after the end of the comment period. The amended rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the amended rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted amendments, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 3 June 1999

Sharon Clark, Deputy Commissioner  
Department of Agriculture

#### **1555.6730 DEFINITIONS.**

[For text of subps 1 to 10a, see M.R.]

Subp. 10b. **Physical separation.** "Physical separation" means separated by at least the width of one row, or markings such as flags that are at every corner of the lot or at least 100 yards apart, whichever is less. ~~The markings must be visible to the inspector from anywhere on the separation.~~

[For text of subps 11 to 15, see M.R.]

#### **1555.6800 SEED POTATOES ELIGIBLE FOR MINNESOTA CERTIFICATION PLANTING.**

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

Subp. 3. **Non-Minnesota grown seed potatoes.** Seed potatoes grown outside of the state approved for certification planting by the certifying agency in another state or a Canadian province may be planted if ~~tolerances~~ requirements for certification meet Minnesota ~~tolerances~~ requirements for certified seed potatoes of classes higher than Certified class or Generation 5 class, as indicated on an import affidavit.

[For text of subps 4 and 5, see M.R.]

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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## Proposed Rules

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### 1555.6840 REQUIREMENTS FOR CERTIFIED SEED POTATO PRODUCTION.

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

Subp. 2. **Field inspection and laboratory testing.** Certification must be based upon information regarding the following: stand, general vigor, varietal purity, disease tolerances, and factors affecting field inspection. At least two field inspections must be made of each field during the growing season. A final inspection must be made for bacterial ring rot, when symptom expression is optimal. If a final inspection cannot be carried out, because of management practices of the grower, ~~the seed lot must be rejected. If a final inspection cannot be performed~~ or for reasons out of the grower's control, a laboratory test is necessary to maintain eligibility for certification. Additional inspections and laboratory tests may be made if necessary to meet phytosanitary requirements in established markets such as other states and Canadian provinces.

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

[For text of subps 3 to 6, see M.R.]

### 1555.6845 REQUIREMENTS FOR PRODUCTION OF DIFFERENT CLASSES OF CERTIFIED SEED POTATOES.

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Generation 5 class certified seed potatoes (G5).** Generation 5 class seed potatoes must originate from Generation 4 class seed potatoes. ~~This class is not winter tested.~~ The allowable tolerances for disease and varietal mixture are in Table 1 in subpart 11 under column G5.

[For text of subps 8 to 12, see M.R.]

**REPEALER.** *Minnesota Rules*, parts 1550.0020; 1550.0030; 1550.0040; 1550.0060; 1550.0080; 1550.0160; 1550.0170; 1550.0180; 1550.0190; 1550.0290; 1550.0380; 1550.0420; 1550.0430; 1550.0440; 1550.0450; 1550.0460; 1550.0470; 1550.0480; 1550.0490; 1550.0500; 1550.0510; 1550.0550; 1550.0560; 1550.0850; 1550.1610; 1550.2160; 1550.2270; 1550.2290; 1550.2300; 1555.0020; 1555.0030; 1555.0040; 1555.0050; 1555.0060; 1555.0070; 1555.0080; 1555.0090; 1555.0100; 1555.0110; 1555.0120; 1555.0130; 1555.0140; 1555.0160; 1555.0170; 1555.0180; 1555.0190; 1555.0200; 1555.0210; 1555.0230; 1555.0240; 1555.0250; 1555.0260; 1555.0265; 1555.0270; 1555.0280; 1555.0290; 1555.0300; 1555.0310; 1555.0320; 1555.0330; 1555.0340; 1555.0350; 1555.0360; 1555.0370; 1555.0380; 1555.0390; 1555.0400; 1555.0410; 1555.0420; 1555.0430; 1555.0440; 1555.0450; 1555.0460; 1555.0470; 1555.0480; 1555.0490; 1555.0500; 1555.0510; 1555.0520; 1555.0530; 1555.0540; 1555.0550; 1555.0560; 1555.0570; 1555.0580; 1555.0590; 1555.0600; 1555.0610; 1555.0620; 1555.0630; 1555.0640; 1555.0650; 1555.0660; 1555.0670; 1555.0680; 1555.0690; 1555.0700; 1555.0710; 1555.0720; 1555.0730; 1555.0740; 1555.0750; 1555.0760; 1555.0770; 1555.0780; 1555.0790; 1555.0800; 1555.0810; 1555.0815; 1555.0820; 1555.0830; 1555.0840; 1555.0850; 1555.0860; 1555.0870; 1555.0880; 1555.0885; 1555.0890; 1555.0900; 1555.0910; 1555.0920; 1555.0930; 1555.0940; 1555.0950; 1555.0960; 1555.0970; 1555.0980; 1555.0990; 1555.1000; 1555.1010; 1555.1020; 1555.1030; 1555.1040; 1555.1050; 1555.1060; 1555.1070; 1555.1080; 1555.1090; 1555.1100; 1555.1110; 1555.1120; 1555.1130; 1555.1140; 1555.1150; 1555.1160; 1555.1170; 1555.1175; 1555.1180; 1555.1190; 1555.1200; 1555.1210; 1555.1220; 1555.1230; 1555.1240; 1555.1250; 1555.1260; 1555.1270; 1555.1280; 1555.1290; 1555.1300; 1555.1310; 1555.1320; 1555.1330; 1555.1340; 1555.1350; 1555.1360; 1555.1370; 1555.1380; 1555.1390; 1555.1400; 1555.1410; 1555.1420; 1555.1430; 1555.1440; 1555.1450; 1555.1460; 1555.1470; 1555.1480; 1555.1490; 1555.1500; 1555.1510; 1555.1520; 1555.1530; 1555.1540; 1555.1550; 1555.1560; 1555.1570; 1555.1580; 1555.1590; 1555.1600; 1555.1610; 1555.1620; 1555.1630; 1555.1640; 1555.1650; 1555.1660; 1555.1670; 1555.1680; 1555.1690; 1555.1700; 1555.1710; 1555.1720; 1555.1730; 1555.1740; 1555.1750; 1555.1760; 1555.1770; 1555.1780; 1555.1790; 1555.1800; 1555.1805; 1555.1810; 1555.1820; 1555.1830; 1555.1840; 1555.1850; 1555.1860; 1555.1870; 1555.1880; 1555.1890; 1555.1900; 1555.1910; 1555.1920; 1555.1930; 1555.1940; 1555.1950; 1555.1960; 1555.1965; 1555.1970; 1555.1980; 1555.1990; 1555.2000; 1555.2100; 1555.2110; 1555.2120; 1555.2130; 1555.2140; 1555.2150; 1555.2160; 1555.2170; 1555.2180; 1555.2190; and 1555.2200, are repealed.

## Department of Health

Environmental Health Division

## Department of Agriculture

Food and Dairy Inspection Division

### Proposed Permanent Rules Relating to Certification of Food Managers

**DUAL NOTICE:** Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received

#### Proposed Permanent Rules Relating to Certification of Food Managers, *Minnesota Rules*, Chapter 4626

**Introduction.** The Department of Health and the Department of Agriculture jointly intend to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on July 28, 1999, a public hearing will be held in the Mississippi Room, Minnesota Department of Health Service Center, 1645 Energy Park Drive, St. Paul, Minnesota 55108, starting at 9:30 a.m. on Monday, August 9, 1999. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after July 28, 1999, and before August 9, 1999.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The contact person for both the Department of Health and Department of Agriculture for this rulemaking is:

**Gunilla Montgomery**

Minnesota Department of Health  
121 East Seventh Place, Suite 220  
PO Box 64975  
St. Paul, Minnesota 55164-0975  
Phone: 651-215-0704  
FAX: 651-215-0977  
E-mail: [gunilla.montgomery@health.state.mn.us](mailto:gunilla.montgomery@health.state.mn.us)

TTY users may call the Minnesota Department of Health at 612-623-5522.

**Subject of Rules and Statutory Authority.** The proposed rules govern the certification of food managers in the State of Minnesota. Persons affected are: 1) owners and operators of food establishments; 2) individuals seeking professional certification as food managers; and 3) persons providing training or examinations for food managers.

The proposed rules require that food establishments must employ, with certain exemptions, a manager who has been certified by the Department of Health under the provisions of this rule. Food establishments include restaurants, delicatessens, hotels, bars, taverns, conference centers providing food service, senior meal site dining centers, boarding establishments, bed and breakfast operations, schools, retail food stores, convenience stores, food service operations at nursing homes or hospitals that serve the general public apart from the patients, and other food establishments as defined in the existing Minnesota Food Code (part 4626.0020, subpart 35). Exemptions are set forth in part 4626.2010, subpart 4, of the proposed rule. The proposed rules set forth training, examination, and application requirements including a proposed triennial fee of \$15 for individuals seeking certification as food managers. A person (defined to include association, corporation, individual, partnership, government, governmental subdivision or agency, or other legal entity) interested in providing either training or the examination under this program will be affected by this rule in that the rule provides requirements and a process for permitting training courses and recognizing examinations.

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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## Proposed Rules

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The Department of Health's statutory authority to adopt the rules is *Minnesota Statutes*, sections 157.011, subdivisions 1 and 2; 144.05, subdivision 1, items (b) and (c); and 144.122, paragraph (a). The Department of Agriculture's statutory authority to adopt rules is *Minnesota Statutes*, sections 31.11, subdivision 1; and 31.101, subdivision 1.

A copy of the proposed rules is published in the *State Register* (June 28, 1999). A free copy of the rules is available upon request as described above in the Agency Contact Person section. The proposed rules are also available on the Department of Health's and the Department of Agriculture's respective web pages:

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

<http://www.mda.state.mn.us>

**Comments.** You have until 4:30 p.m. on Wednesday, July 28, 1999, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment submitted by e-mail is considered to be submitted in writing. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on July 28, 1999. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request 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 proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for August 9, 1999, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at 651-215-0704 after July 28, 1999, to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge George Beck is assigned to conduct the hearing. Judge Beck can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612-341-7601, and FAX 612-349-2665.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

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

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. The statement of need and reasonable is also available on the web sites listed above. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-296-5148 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

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

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

Jan Malcolm  
Commissioner of Health

Gene Hugoson  
Commissioner of Agriculture

#### **4626.0010 1-101.10 FOOD CODE.**

~~This chapter~~ Parts 4626.0010 to 4626.1870 shall be known as the Food Code, hereinafter referred to as the "Code."

#### **CERTIFICATION OF FOOD MANAGERS**

#### **4626.2000 DEFINITIONS.**

Subpart 1. Scope. The terms used in parts 4626.2000 to 4626.2030 have the meanings given them in this part and in part 4626.0020.

Subp. 2. Adult day care center. "Adult day care center" has the meaning given in part 9555.9600, subpart 4.

Subp. 3. Certified food manager. "Certified food manager" means an individual who has a valid Minnesota food manager's certification under part 4626.2015.

Subp. 4. Child care facility. "Child care facility" means a facility that provides child care as defined in *Minnesota Statutes*, section 119B.01, subdivision 6.

Subp. 5. Code. "Code" means the Minnesota Food Code, parts 4626.0010 to 4626.1870.

Subp. 6. Commissioner. "Commissioner" means the commissioner of health.

Subp. 7. Department. "Department" means the Department of Health.

Subp. 8. Employ. "Employ" means to secure the services of an employee.

Subp. 9. Operator. "Operator" means the person responsible for the overall operation of a food establishment.

Subp. 10. Owner. "Owner" means the person who owns a food establishment.

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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## Proposed Rules

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Subp. 11. **Prepare.** "Prepare" means to process food by heating, cooking, canning, extracting, fermenting, distilling, pickling, freezing, baking, drying, smoking, grinding, cutting, mixing, coating, stuffing, packing, bottling, packaging, or any other treatment or preservation process.

Subp. 12. **School.** "School" has the meaning given in *Minnesota Statutes*, section 120A.22, subdivision 4.

Subp. 13. **Senior nutrition program.** "Senior nutrition program" means a program that consists of service distribution points that provide congregate meals, home-delivered meals, and linkages to social service programs for persons 60 years of age or older.

### **4626.2005 SCOPE.**

Parts 4626.2000 to 4626.2030 apply to:

A. food establishments that are regulated by the Department of Agriculture, the Department of Health, or local authorities that conduct inspections of food establishments;

B. individuals applying for certification as a food manager;

C. persons providing training for food managers; and

D. persons providing examinations for food managers.

### **4626.2010 CERTIFIED FOOD MANAGER REQUIREMENTS FOR FOOD ESTABLISHMENTS.**

Subpart 1. **Certified food manager required.** Except as provided under subpart 4, an owner or operator of a food establishment must employ one full-time certified food manager for each food establishment except for a satellite or catered feeding location.

Subp. 2. **Satellite or catered feeding location.**

A. A satellite or catered feeding location is a separate location where food is only reheated or served under the direct management authority of the owner or operator of a food establishment.

B. An owner or operator of a satellite or catered feeding location has the option of complying with subpart 1 or identifying a certified food manager who:

(1) is employed by the same owner or operator at a food establishment located elsewhere within the state; and

(2) has direct management authority for the satellite or catered feeding location, including responsibility for ensuring food safety through routine, on-site review.

C. Identification of a certified food manager under this subpart is limited to one satellite or catered feeding location per certified food manager, except for a food establishment owned or operated by a school, adult day care center, child care facility, or a senior nutrition program, in which case up to ten satellite or catered feeding locations per certified food manager is allowed.

Subp. 3. **Posting requirements.** An owner or operator of a food establishment required to employ a certified food manager must have a copy of the certificate issued under part 4626.2015 posted in a conspicuous place at the establishment.

Subp. 4. **Exemptions.** The following food establishments are not required to have a certified food manager:

A. a food establishment where food preparation activities are solely limited to one or more of the following:

(1) heating or serving precooked hot dog or sausage products, popcorn, nachos, pretzels, or frozen pizza;

(2) preparing or serving a continental breakfast such as rolls, coffee, juice, milk, and cold cereal;

(3) preparing or serving nonalcoholic or alcoholic beverages or ice;

(4) grinding coffee beans;

(5) packaging foods that are not potentially hazardous foods;

(6) serving bulk food as defined in *Minnesota Statutes*, section 31.80, subdivision 2;

(7) processing raw meat, poultry, fish, or wild game intended for cooking after sale;

(8) heating as the only preparation step for a bakery product;

(9) providing prepackaged food in its original package; or

(10) cleaning or sanitizing eating, drinking, or cooking utensils, when the only food served is prepared off site;

B. a boarding establishment as defined in *Minnesota Statutes*, section 157.15, subdivision 4; a bed and breakfast, a child care facility, or an adult day care center if the food establishment prepares food for 18 or fewer persons per mealtime;

C. a food cart, mobile food unit, seasonal permanent food stand, seasonal temporary food stand, or special event food stand, as defined in *Minnesota Statutes*, section 157.15, subdivisions 6, 9, 12a, 13, and 14, respectively;



D. a retail food vehicle, portable structure, cart, or vending machine; and

E. a food establishment that provides meals no more than one day in a seven-day period and that is owned and operated by a business or a nonprofit organization whose primary activity is not food service.

Subp. 5. **Duties of certified food manager.** An owner or operator is responsible for ensuring that the certified food manager:

A. identifies hazards in the day-to-day operation of the food establishment;

B. develops and implements policies and procedures to prevent foodborne illness;

C. trains other employees to ensure that there is at least one trained individual present at all times food preparation activities are conducted who can demonstrate the knowledge required in the Code;

D. directs food preparation activities and takes corrective action, as needed, to protect the health of the consumer; and

E. conducts in-house self-inspections of daily operations on a periodic basis to ensure that food safety policies and procedures are followed.

Subp. 6. **New establishments and employee transition.** An owner or operator of a food establishment that commences operation on or after July 1, 2000, or a food establishment that ceases to employ a certified food manager must, within 45 days:

A. hire a new certified food manager;

B. designate an existing employee who is enrolled in a training course under part 4626.2020; or

C. hire a new employee who is enrolled in a training course under part 4626.2020.

The designated employee in training under item B or C must receive certification as a food manager within 90 days of the date that the food establishment commenced operation or ceased to employ its certified food manager, as applicable. If, for any reason, the designated employee does not receive certification, the owner or operator of the food establishment must employ a certified food manager within 30 days of determining that the employee in training will not be certified.

Subp. 7. **Effective date.** This part is effective July 1, 2000.

#### **4626.2015 CERTIFIED FOOD MANAGER QUALIFICATIONS AND APPLICATION.**

##### **Subpart 1. Training.**

A. Effective July 1, 2001, an applicant for certification as a food manager must complete a training course permitted under part 4626.2020. The training course must be completed within the 36 months directly preceding submittal of the application.

B. Before July 1, 2001, an applicant for certification as a food manager must complete a training course that addresses food preparation and handling, sanitation, and the prevention of foodborne illness.

Subp. 2. **Examination.** An applicant for certification as a food manager must pass a written examination recognized under part 4626.2025 on the date taken.

Subp. 3. **Application fee and documents.** An applicant for certification as a food manager must submit to the commissioner:

A. documentation of the applicant's qualifications under subparts 1 and 2;

B. a completed application on a form provided by the commissioner that contains:

(1) the name, telephone number, and mailing address, including county, of the applicant; and

(2) the social security number of the applicant; and

C. a \$15 nonrefundable certification fee payable to the department.

Subp. 4. **Issuance of certificate.** Upon review and verification, as needed, of the documents submitted under subpart 3, the commissioner shall issue a certificate or a letter of denial within 45 days of receiving the application. Grounds for the commissioner to deny an application are provided in *Minnesota Statutes*, section 144.99, subdivision 8, paragraphs (a) and (b).

Subp. 5. **Certificate validity; nontransfer.** A food manager certificate is valid statewide for three years from the date of issuance. The certificate is not transferable to another individual.

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

## Proposed Rules

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**Subp. 6. Renewal.** An applicant for certification renewal must submit to the commissioner:

**A.** a completed renewal application on a form provided by the commissioner that contains:

- (1) the name, telephone number, and mailing address, including county, of the applicant; and
- (2) the social security number of the applicant;

**B.** a \$15 nonrefundable certification fee payable to the department; and

**C.** documentation of successful completion of at least four contact hours of continuing education within the 36 months directly preceding submittal of the renewal application. The continuing education must meet the requirements of subpart 7. Documentation must include:

- (1) the name, address, and telephone number of the person providing the continuing education;
- (2) an agenda and course outline or other material that demonstrates that the course addressed food sanitation and safety or emerging trends in food preparation and handling, sanitation, or the prevention of foodborne illness;
- (3) the number of hours of instruction; and
- (4) the dates and location of the continuing education.

Upon review and verification, as needed, the commissioner shall issue a certificate or a letter of denial within 45 days of receiving the renewal application. Grounds for the commissioner to deny an application are provided in *Minnesota Statutes*, section 144.99, subdivision 8, paragraphs (a) and (b).

**Subp. 7. Continuing education.** A continuing education course must:

**A.** address food sanitation and safety or emerging trends in food preparation and handling, sanitation, or the prevention of foodborne illness;

**B.** be at least one contact hour;

**C.** use a mechanism to validate participation;

**D.** maintain attendance sheets for five years; and

**E.** be presented by knowledgeable persons who have reviewed developments in the subject being covered in the program within the last two years. The instructors' qualifications must be in one of the following: specialized training in the subject matter, experience teaching the subject matter, or experience working in the subject areas.

**Subp. 8. Expired certificate.** An individual whose certification expires may apply for renewal under subpart 6 if no more than one year has elapsed since the certificate's expiration date. If more than one year has elapsed since the expiration date, an applicant for renewal must comply with subparts 1 to 4.

**Subp. 9. Duplicate certificate.** The commissioner shall issue a duplicate certificate to replace a lost, destroyed, or mutilated certificate if the applicant submits a completed application on a form provided by the commissioner for a duplicate certificate and pays \$15 to the department for the cost of duplication.

### **4626.2020 PERMITS FOR TRAINING COURSES.**

**Subpart 1. Applicability.** Effective July 1, 2001, the requirements of this part apply to all training courses that are intended to qualify trainees for certification under part 4626.2015, subpart 1, item A.

**Subp. 2. Requirements.**

**A.** A food manager training course must:

- (1) possess a permit issued under this part;
- (2) teach the provisions of the code identified as critical items by part 4626.0020, subpart 20, and the duties specified in part 4626.2010, subpart 5; and
- (3) meet the Conference for Food Protection standards for food manager certification training program course content as published under section 3.5 in the *Standards for Training, Testing, and Certification of Food Managers in the Proceedings of the Conference for Food Protection Meeting, April 10-15, 1996, pages 75 to 79*. The standards are incorporated by reference, are not subject to frequent change, and are available through the Minitex interlibrary loan system.

**B.** A food manager training course must be a minimum of 12 hours in length.

**Subp. 3. Contents of application.** An application for a food manager certification training course must include:

**A.** a completed application on a form provided by the commissioner;

**B.** a course outline and agenda;

- C. a copy of all training materials;
- D. a copy of any slides, overheads, videos, or other teaching aids; and
- E. a copy of the proof of completion issued to the student upon successful completion.

**Subp. 4. Commissioner approval.** The commissioner shall review and approve an application or notify the applicant of any deficiencies within 90 days of receipt. The commissioner shall reject a deficient application 60 days after notification of deficiencies unless the applicant corrects the deficiencies. Additional grounds for the commissioner to deny an application are provided in Minnesota Statutes, section 144.99, subdivision 8, paragraphs (a) and (b).

**Subp. 5. Expiration and renewal.** A permit is valid for three years. To renew a permit, the training course provider must reapply under this part.

**Subp. 6. Auditing.** The commissioner may audit a training course at no cost to ensure compliance with the approved curriculum.

**Subp. 7. Training course list.** After July 1, 2001, the commissioner shall maintain a list of permitted training courses for food managers.

**Subp. 8. Rescission of training permit.** The commissioner shall rescind the permit of a training course if the commissioner determines that the training course fails to comply with all applicable requirements in this part. Additional grounds for the commissioner to rescind a permit are provided in Minnesota Statutes, section 144.99, subdivision 9. The commissioner shall provide notice of rescission under the provisions of Minnesota Statutes, section 144.99, subdivision 10.

**Subp. 9. Consultation with the department of agriculture.** The commissioner shall consult with the commissioner of agriculture when approving or denying permits under subpart 4 and when rescinding permits under subpart 8.

#### **4626.2025 RECOGNIZED EXAMINATIONS.**

After the Conference for Food Protection (110 Tecumseh Trail, Frankfort, Kentucky 40601) publishes its list of recognized food protection managers certification examinations, the commissioner shall accept only examinations that are recognized by the Conference for Food Protection. The following examinations are recognized up to the date of publication of the Conference for Food Protection list of recognized examinations:

- A. the ServSafe Examination of the Educational Foundation of the National Restaurant Association (1993 or later version);
- B. the Certified Professional Food Managers Examination of the Experior Assessments LLC (formerly National Assessment Institute) (1993 or later version);
- C. the Food Safety Manager Certification Examination of Professional Testing, Inc. (1993 or later version);
- D. the Food Protection Certification Examination of the Chauncey Group International (1995 or later version); and
- E. the Certified Food Protection Professional Sanitation and Safety Examination of the Certifying Board for Dietary Managers (October 1996 or later version).

#### **4626.2030 VARIANCE.**

A variance to parts 4626.2000 to 4626.2025 may be requested under parts 4626.1690 to 4626.1715.

**INCORPORATIONS BY REFERENCE:** Part 4626.2020, subpart 2: Section 3.5 in the Standards for Training, Testing, and Certification of Food Managers in the Proceedings of the Conference for Food Protection Meeting, April 10-15, 1996, pages 75-79. The standards are available through the Minitex interlibrary loan system.

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## Proposed Rules

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### Higher Education Services Office

#### Proposed Permanent Rules Relating to Termination of Institution Participation in Financial Aid Programs

**DUAL NOTICE:** Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received

**Proposed Rules Governing Termination of Institution Participation in Financial Aid Programs, *Minnesota Rules*, 4830.0120-4830.0200 and Amendment to Rules Governing the Student Educational Loan Fund Program, *Minnesota Rules*, 4850.0012-4850.0014.**

**Introduction.** The Minnesota Higher Education Services Office (HESO) intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on July 30, 1999, a public hearing will be held in Conference Room B, Veterans Service Building, 20 West 12th Street, St. Paul, Minnesota 55155, starting at 9:00a.m. on August 18, 1999. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after July 30, 1999 and before August 18, 1999.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is:

Mary Lou Dresbach  
Minnesota Higher Education Services Office  
1450 Energy Park Drive, Suite350  
St. Paul, MN 55108-5227  
Phone: 651-642-0530  
FAX: 651-642-0675

TTY users may call the Minnesota Relay Service at 1-800-627-3529 and request assistance in contacting the Minnesota Higher Education Services Office.

**Subject of Rules and Statutory Authority.** The proposed rules are about termination of institutional participation in state student financial aid programs and the Student Educational Loan Fund Program. The proposed Student Educational Loan Fund Program amendments to rules are about termination of participation in that program and also about the loan maximum for graduate student borrowers. The statutory authority to adopt the rules is *Minnesota Statutes*, section 136A.01, Subd. 2(8). A copy of the proposed rules and amendments to rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on July 30, 1999, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on July 30, 1999. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request 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 proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for August 18, 1999, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at 651-642-0530 after July 30, 1999 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Phyllis Reha is assigned to conduct the hearing. Judge Reha can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612-341-7602, and FAX 612-349-2665.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

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

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-296-5148 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

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

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

Dated: 14 June 1999

Robert K. Poch  
Director

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## Proposed Rules

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### **4830.0120 SCOPE.**

For the purposes of this chapter and chapter 4850, the procedure in parts 4830.0130 to 4830.0200 applies to the termination of an institution's eligibility to participate in a student financial aid program administered by the Higher Education Services Office.

### **4830.0130 DEFINITIONS.**

Subpart 1. **Scope.** For the purposes of parts 4830.0120 to 4830.0200, the terms defined in this part have the meanings given them.

Subp. 2. **Director.** "Director" means the director of the office, or office staff who perform duties as assigned by the director.

Subp. 3. **Fiscal year.** "Fiscal year" means the period from July 1 to the following June 30.

Subp. 4. **Funds.** "Funds" means money disbursed or the commitment to disburse money under any program to an institution or to an institution on behalf of students enrolled and attending the institution.

Subp. 5. **Institution.** "Institution" means a post-secondary institution that participates in a student financial aid program or student loan program administered by the office.

Subp. 6. **Office.** "Office" means the Minnesota Higher Education Services Office.

Subp. 7. **Program.** "Program" means a financial aid and loan program administered by the Higher Education Services Office.

### **4830.0140 TERMINATION.**

The office shall terminate an institution's eligibility to participate in a program if the institution:

- A. violates a provision of *Minnesota statutes* or rules governing the program, and fails to correct the violation within 90 days;
- B. refuses to allow inspection of or provide information relating to financial aid records, after written request by the office;
- C. is no longer eligible to participate in a program under part 4830.0300, subparts 1 and 2; 4830.7200; or 4850.0011, subpart 14; or
- D. is not complying with chapter 4850.

### **4830.0150 TERMINATION PROCEDURE.**

Subpart 1. **Termination.** The office shall, after notice and upon providing an opportunity for a hearing pursuant to *Minnesota Statutes*, chapter 14, terminate an institution's eligibility to participate in a program or programs if there is evidence that the institution has been in noncompliance based on the criteria under part 4830.0140.

Subp. 2. **Notification.** Prior to termination of an institution's eligibility to participate in a program, the office shall send the institution written notification of the termination. Termination shall be effective 90 days from the date of the written notification.

### **4830.0160 REQUEST FOR HEARING.**

An institution may request a hearing pursuant to *Minnesota Statutes*, chapter 14, regarding its termination of eligibility to participate in a program. The request must be in writing and must be received by the director within 30 days of the date on the written notification of termination sent by the office. Within ten days of receipt of the request for hearing, the office shall contact the Office of Administrative Hearings to arrange a hearing date.

### **4830.0170 FINAL DECISION, ORDERS.**

The director shall render a decision and order in writing following receipt of the report issued by the administrative law judge after the hearing. The final decision of the director shall take into consideration the hearing record and the report of the administrative law judge. The order of the director is the final decision in the termination of the institution's eligibility to participate in a program administered by the office.

### **4830.0180 REIMBURSEMENTS AND REFUNDS.**

A. The office's director of student financial aid services, the administrative law judge, or the director of the office shall require an institution to remedy a violation of applicable program statutes and rules.

B. If an institution is required to reimburse or make other payments to the office, the director shall offset these claims against benefits or claims due to the institution.

**4830.0190 STUDENT AWARDS AFTER TERMINATION.**

Subpart 1. **Payment of awards.** If an institution is terminated from participating in a program during a payment period, a student at the institution who was eligible for an award before the effective date of the termination shall receive a payment for that payment period.

Subp. 2. **Notice.** For the purposes of subpart 1, “notice” occurs:

A. under the Student Educational Loan Fund (SELF) Program when the director or servicer advises the student, in writing, that the loan is approved; and

B. under the state grant and campus-based programs when the director or institution has notified the student, in writing, of the award.

**4830.0200 REINSTATEMENT.**

Subpart 1. **Application.** An institution terminated from participation in a program by the office under part 4830.0140, may request reinstatement to participate in the program. The institution must wait at least 12 consecutive months from the effective date of the termination to submit a request for reinstatement. A request for reinstatement must be in writing and submitted to the director. A request for reinstatement may be made only once in a calendar year. If an institution’s eligibility is reinstated after the start of the academic term, eligible students shall receive payment retroactively to the beginning of the term when the institution was reinstated.

Subp. 2. **Reinstatement requirements.** An institution’s reinstatement request must include:

A. written documentation of the process used to correct a violation, and how the violation will be prevented in the future;

B. evidence of full repayment to the office of program funds the institution improperly received, withheld, disbursed, or caused to be disbursed; and

C. new participation agreements with the office for all programs the institution wishes to participate in.

Subp. 3. **Response to reinstatement request.** Within 60 days of receiving the institution’s reinstatement request, the office shall:

A. grant the request; or

B. deny the request based on evidence of noncompliance with the requirements in subpart 2.

**4850.0012 SCHOOL AGREEMENTS AND STUDENT APPLICATIONS.**

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

Subp. 2. **Termination.** The director may terminate the agreement with an eligible school upon determining that the school is not complying with the rules in parts 4850.0010 to 4850.0018. All obligations of the school under the agreement shall continue in full force and effect with respect to all SELF loans then outstanding to students of the school. The termination of an agreement with a school shall be made pursuant to part 4830.0140.

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

**4850.0014 AMOUNT AND TERMS.**

Subpart 1. **Loan amounts.** The minimum loan amount from the student educational loan fund is \$500.

The annual and maximum loan amounts for:

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

B. a graduate student are those prescribed in Minnesota Statutes, section 136A.1701. The loan must not exceed the annual SELF graduate student borrowing maximum of \$9,000 for grade levels 6 through 9 or the cost of attendance less all other financial aid (including PLUS loans borrowed on the student’s behalf); and the cumulative SELF student loan debt of the graduate student does not exceed \$40,000 for both undergraduate and graduate educations combined.

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

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## Adopted Rules

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

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

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

### Exempt Rules

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

### Emergency Expedited Rules

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

## Department of Administration

### Building Codes and Standards Division

#### Adopted Permanent Rules Relating to Electrical Code

The rules proposed and published at *State Register*, Volume 23, Number 43, pages 2035-2036, April 26, 1999 (23 SR 2035), are adopted as proposed.

## Department of Health

#### Adopted Permanent Rules Relating to Merit System

The rules proposed and published at *State Register*, Volume 23, Number 39, pages 1891-1896, March 29, 1999 (23 SR 1891), are adopted as proposed.

## Department of Human Services

#### Adopted Permanent Rules Relating to Merit System

The rules proposed and published at *State Register*, Volume 23, Number 39, pages 1897-1904, March 29, 1999 (23 SR 1897), are adopted as proposed.

## Department of Public Safety

#### Adopted Permanent Rules Relating to Merit System

The rules proposed and published at *State Register*, Volume 23, Number 39, pages 1904-1906, March 29, 1999 (23 SR 1904), are adopted as proposed.



## Exempt Rules

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

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

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

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

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

## Department of Labor and Industry

### Proposed Exempt Permanent Rules Relating to Occupational Safety and Health; Adoption of Federal Standards by Reference

#### REQUEST FOR COMMENTS on Proposed Revisions to the Occupational Safety and Health Standards

**NOTICE IS HEREBY GIVEN** that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA) proposes to adopt the following revisions to the Department of Labor and Industry, Occupational Safety and Health Rules, as authorized under *Minnesota Statutes* § 182.655 (1996).

This notice proposes the adoption by reference of corrections and amendments to Occupational Safety and Health Standards that have already been proposed and adopted by the Federal Occupational Safety and Health Administration (Federal OSHA).

All interested or affected persons have 30 days from the date this notice is published in the *State Register* to submit, in writing, data and views on the proposed amendments to the rule. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any proposed change.

Any person may file with the Commissioner written objections to the proposed amendments stating the grounds for those objections and may request a public hearing. A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period. Requests for hearing must include the name and address of the person submitting the request, define the reasons for the request, and discuss any proposed changes. If a public hearing is required, the Department will proceed according to the provisions of *Minnesota Statutes* § 182.655 and *Minnesota Rules* 5210.0010 to 5210.0100.

Written comments or requests for a public hearing should be sent to: Occupational Safety and Health Division, Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155-4307. Persons interested in reviewing the complete *Federal Register* notices or federal standards referenced below may visit federal OSHA's website at [www.osha.gov](http://www.osha.gov). A complete copy of the standards proposed for adoption is also available by calling 651-282-5806 or 651-297-3254.

Gretchen B. Maglich  
Commissioner

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## Exempt Rules

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### SUMMARY OF CHANGES

The following is a brief summary of the proposed amendments.

- (A) "Dipping and Coating Operations, Final Rule." On March 23, 1999, federal OSHA published in the *Federal Register* its final rule for dipping and coating operations. The new final rule was developed to rewrite the former standards in plain language, consolidate the former requirements in sequential sections, and update the former standards to increase the compliance options available to employers. OSHA concludes that the final rule will also enhance employee protection by making it more understandable and useful to employers and employees and more flexible and performance-oriented than the former rules. The revised, shorter dip tank standard was designed to protect employees from fire, explosion and toxic hazards associated with that work, and was rewritten into question-and-answer format. The final rule places no further burden on employers and does not reduce employee protection. At the federal level, the new final rule was effective April 22, 1999.

By this notice, Minnesota OSHA proposes to adopt the final rule as published in the *Federal Register* on March 23, 1999. This rule becomes effective in Minnesota upon publication of the adoption notice in the *State Register*.

- (B) "Office of Management and Budget (OMB) Control Numbers under the Paperwork Reduction Act for Miscellaneous Construction Industry Rules, Final Rule; OMB Approval of Information Collection Requirements." On April 16, 1999, Federal OSHA announced in the *Federal Register* the OMB extension of the approval of a number of information collection requirements in OSHA construction rules. OSHA sought approval under the Paperwork Reduction Act of 1995 and is announcing the new expiration dates for these OMB control numbers. These approvals are for provisions that require posting; retention of records that verify certain tests or inspections have been performed; retention or availability of plans at construction sites; and other miscellaneous requirements. At the federal level, the new amended final rule became effective April 16, 1999.

By this notice, Minnesota OSHA proposes to adopt the OMB control numbers as published in the *Federal Register* on April 16, 1999. These amendments become effective in Minnesota upon publication of the adoption notice in the *State Register*.

- (C) "Powered Industrial Truck Operator Training; Correction to Final Rule." On April 27, 1999, federal OSHA published in the *Federal Register* clarification of compliance dates for the final rule. Employers must remain in compliance with the prior training standards through November 30, 1999, and will not be cited for violating the new standard prior to December 1, 1999.

By this notice, Minnesota OSHA proposes to adopt the correction to the final as published in the *Federal Register* on April 27, 1999. These amendments become effective in Minnesota upon publication of the adoption notice in the *State Register*.

### Rules as Proposed

#### 5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY REFERENCE.

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

Subp. 2. **Part 1910.** Part 1910: Occupational Safety and Health Standards as published in Volume 43, No. 206 of the *Federal Register* on October 24, 1978, and corrected in Volume 43, No. 216 on November 7, 1978, which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes as follows:

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

V. *Federal Register*, Vol. 64;

(1) *Federal Register*, Vol. 64, No. 1, page 204, dated January 4, 1999: "Permit-Required Confined Spaces; Correction."

(2) *Federal Register*, Vol. 64, No. 55, page 13897, dated March 23, 1999: "Dipping and Coating Operations; Final Rule."

(3) *Federal Register*, Vol. 64, No. 80, page 22552, dated April 27, 1999: "Powered Industrial Truck Operator Training; Correction to Final Rule."

Subp. 3. **Part 1915.** Part 1915: Occupational Safety and Health Standards for Shipyard Employment as published in Volume 47, No. 76 of the *Federal Register* on April 20, 1982; all changes made prior to December 31, 1986, which consolidated Part 1915 and Part 1916; technical amendments and redesignations published in Volume 58, No. 125, of the *Federal Register* on July 1, 1993; and additional changes as follows:

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

AA. *Federal Register*, Vol. 64, No. 80, page 22552, dated April 27, 1999: "Powered Industrial Truck Operator Training; Correction to Final Rule."

Subp. 4. **Part 1917.** Part 1917: Safety and Health Standards for Marine Terminals as published in Volume 48, No. 129 of the *Federal Register* on July 5, 1983; and subsequent changes as follows:

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

E. *Federal Register*, Vol. 64, No. 80, page 22552, dated April 27, 1999: “Powered Industrial Truck Operator Training: Correction to Final Rule.”

Subp. 5. **Part 1918.** Part 1918: Safety and Health Regulations for Longshoring as published in Part II, Volume 39, No. 119 of the *Federal Register* on June 19, 1974, incorporating changes, additions, deletions and corrections made up to June 3, 1974; and subsequent changes as follows:

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

E. *Federal Register*, Vol. 64, No. 80, page 22552, dated April 27, 1999: “Powered Industrial Truck Operator Training: Correction to Final Rule.”

Subp. 6. **Part 1926.** Part 1926: Construction Safety and Health Regulations as published in Part VII, Volume 44, No. 29 of the *Federal Register* on February 9, 1979, which incorporates changes, additions, deletions, and corrections made up to October 17, 1978, the incorporation and redesignation of the regulatory text of the General Industry Occupational Safety and Health Standards (29 CFR Part 1910) that have been identified as applicable to construction work as published in the *Federal Register*, Volume 58, No. 124, dated June 30, 1993, and corrected in Volume 58, No. 143, dated July 28, 1993; and additional changes as follows:

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

O. *Federal Register*, Vol. 64:

(1) *Federal Register*, Vol. 64, No. 73, page 18809, dated April 16, 1999: “Office of Management and Budget (OMB) Control Numbers Under the Paperwork Reduction Act for Miscellaneous Construction Industry Rules: Final Rule, OMB Approval of Information Collection Requirements.”

(2) *Federal Register*, Vol. 64, No. 80, page 22552, dated April 27, 1999: Powered Industrial Truck Operator Training: Correction to Final Rule.”

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

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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# Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these emergency expedited rules detail the agency's rulemaking authority.

## Department of Natural Resources

### Adopted Expedited Emergency Game and Fish Rules; White Bear Protected

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

Date: 17 June 1999

Allen Garber  
Commissioner of Natural Resources

#### 6232.2800 GENERAL REGULATIONS FOR TAKING BEARS.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Tagging and license validation.** Persons taking a bear must affix a tag and validate their license at the site of kill as provided below:

[For text of subp 4, item A, see 22 SR 2013-2014, May 18, 1998]

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

[For text of subps 5 to 7, see M.R.]

Subp. 8. **White bears protected.** A person may not take a white bear.

**EFFECTIVE DATE.** Minnesota Rules, part 6232.2800, subpart 8, is effective through December 31, 1999. After the emergency amendment to part 6232.2800 expires, the permanent rule as it read prior to the amendment again takes effect, except as it may be amended by permanent rule.

# Executive Orders

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

## Office of the Governor

### Executive Order #99-15: Providing for a Water Management Unification Initiative

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

**WHEREAS**, Minnesota has numerous agencies and programs affecting water resources making the system difficult for citizens to understand or to effectively participate in decision-making; and

**WHEREAS**, the sustainability of Minnesota's water resources is of primary importance and directly affects Minnesota's economic, environmental and community health; and

**WHEREAS**, management should reflect the diversity of water resources and the differing climatic conditions throughout the state; and

**WHEREAS**, many federal, state and local efforts are focused on river basins for water management purposes; and

**WHEREAS**, local government has a central role in water management and has instituted joint powers boards in parts or all of the Minnesota, Red and Mississippi River Basins; and

**WHEREAS**, the Environmental Quality Board (EQB) comprises major agencies affecting water resources and is charged with coordinating water resource management and preparing a ten-year water resources plan for Minnesota under *Minnesota Statutes* 103A.204, 103A.43 and 103B.151; and

**WHEREAS**, Minnesota does not have specific goals, objectives and measurable outcomes that deal comprehensively with water resources and enable Minnesotans to evaluate regulations and programs and judge their success;

**NOW, THEREFORE**, I hereby order state departments and agencies and encourage federal agencies and local government to take the following steps to unify water management in Minnesota.

1. The Environmental Quality Board shall oversee the Water Unification Initiative and guide specific activities and work through EQB Water Resources Committee.
2. Board agencies shall give priority to assisting the Board in implementing the Initiative.
3. The Board will implement the Work Plan endorsed May 20, 1999, that outlines its efforts until 2002 to carry out the Water Unification Initiative. The work plan specifies a timeframe and process to address the following components:
  - From the date of this Order until fall 2000, the Board will develop a statewide framework consisting of water-related goals, objectives and measurable outcomes for the year 2010 that will be adapted to each major river basin. The goals, objectives and outcomes will serve as the basis for *Minnesota Water Plan 2000*. In addition, basin specific goals, objectives and outcomes may also be developed, under Board oversight, that would be tailored to each major river basin; these basin specific items would be created as individual basin activities occur.
  - The Board will designate interagency teams for each major river basin. Basin teams shall assist the Board in unifying state water planning and management efforts, and in developing a statewide framework of ten-year goals, objectives and measurable outcomes and adapting them to all Minnesota's major river basins by September 2000. Basin teams will assist with obtaining public involvement and building partnerships with local groups. For planning purposes, basins may be combined or divided. Where appropriate, the Board shall create additional teams, such as for lakes or ground water, in certain basins or in groups of basins.
  - From October 2000 until September 2002, the Board will lead efforts to work toward the goals and objectives and to measure the outcomes set forth in *Minnesota Water Plan 2000*. Teams shall assist the Board in directing state efforts to carry out the Plan. The work plan shall be modified, as appropriate, to outline cooperative strategies and ensure that the measurements for the identified goals and objectives are initiated.
4. The Board and the Teams shall invite the public, federal and local governments and other interests to shape the framework of ten-year goals, objectives and measurable outcomes, and help adapt this framework to individual basins. Federal agencies and local units shall be encouraged to use the objectives and outcomes in their plans.

## Official Notices

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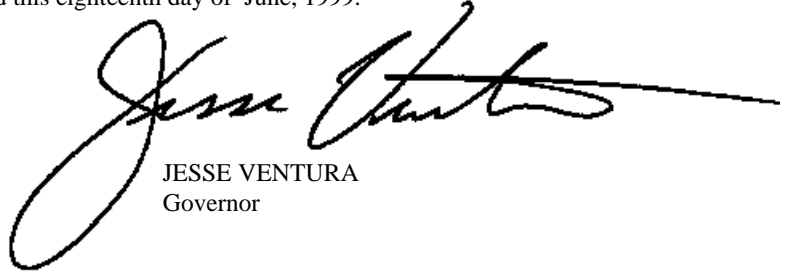
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5. The *Minnesota Water Plan 2000* and water priority reports due to the legislature in September of each even-numbered year shall be used to determine water priorities, policies and the budgets of the Ventura administration.

This Order shall be reviewed by the Governor, in consultation with the affected agency or agencies, every two years in order to assess its reasonableness and need.

Pursuant to *Minnesota Statutes* 1998, section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 1998, section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this eighteenth day of June, 1999.



JESSE VENTURA  
Governor



Filed According to Law:  
MARY KIFFMEYER  
Secretary of State

## Official Notices

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

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

## Department of Administration

### State Designer Selection Board (SDSB) Meeting Scheduled for July 1999

Pursuant to SDSB *Minnesota Rule* 3200.0400, below is the schedule of State Designer Selection Board meeting dates, times and agenda items as of June 16, 1999:

- July 13, 9:00 a.m.
  1. Shortlisting: Project 5-99 University of Minnesota, Minneapolis  
New Art Department
- July 27, 9:00 a.m.
  1. Interviews/Selection: Project 5-99 University of Minnesota, Minneapolis  
New Art Department

Unless otherwise stated, all meetings are held in the Administration Building, 50 Sherburne Avenue, St. Paul, Room G-10/Conference Room A. Other matters may come before the Board and be added to the agenda as needed. For additional information, contact Lisa Blue at 651-297-5526.

## Department of Agriculture

### Agronomy and Plant Protection Division

#### Notice of Special Local Need Registrations for Dividend XL, Dividend XL RTA, and Tilt Fungicides

Pursuant to *Minnesota Statutes* 18B.27 and Parts 1505.0880-1505.0930, the Minnesota Department of Agriculture issued on June 17, 1999, Special Local Need (SLN) registrations for Dividend XL, Dividend XL RTA, and Tilt fungicides, all manufactured by Novartis, Greensboro, NC 27419. These registrations allow Dividend to be used as seed treatments on barley and Tilt to be used for a post silking application to corn.

A federal or state agency, a local unit of government, or any person or groups of persons filing with the commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age, shall have 30 days from publication of notice in the *State Register* to file written objections with the commissioner regarding the issuance of the special local need registration.

Objections may be submitted to: John C. Sierk, Minnesota Department of Agriculture, Agronomy and Plant Protection Division, 90 West Plato Boulevard, St. Paul, MN 55107. Comment deadline is July 28, 1999.

## State Board of Electricity

### Notice of Monthly Meetings

The monthly meetings of the State Board of Electricity are held on the second Tuesday of each month at 10:00 A.M. in the Board's office in the Griggs-Midway Building at 1821 University Avenue, Suite S-128, St. Paul, MN 55104-2993.

## Department of Human Services

### Adds, Deletes and Changes to the Authorization List of All Health Services As a Condition of Minnesota Health Care Programs Payment

The following is a listing of adds, deletes and changes to the current authorization list. The newly added, deleted and changed codes will require authorization on or after July 1, 1999. As authorized by *Minnesota Statutes*, section 256B.0625,9 subdivision 25, the following list includes all health services that have been added, changed, or deleted from authorization as a condition of Minnesota Health Care Programs (MHCP) payment. The list is presented in sections: Dental Services, Vision Care Services, Medical Supplies and Equipment, Prosthetics and Orthotics, Hearing Aids, Drugs, Rehabilitative Services, and All Other Services. The criteria used to develop this list are as follows:

- A. The health service could be considered, under some circumstances, to be of questionable medical necessity.
- B. Use of the health services needs monitoring to control the expenditure of program funds.
- C. Less costly, appropriate alternatives to the health services are generally available.
- D. The health service is newly developed or modified.
- F. The health service is of a continuing nature and requires monitoring to prevent its continuation when it ceases to be beneficial.
- G. The health service is comparable to a service provided in a skilled nursing facility or hospital but is provided in a recipient's home.
- H. The health service could be considered cosmetic.

#### **These newly added or changed codes will require Authorization for services provided on or after July 1, 1999.**

- I. Dental  
No updates this publication
- II. Vision Care Services  
No updates this publication

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### III. Medical Supplies and Equipment; Protheses and Orthoses

No updates this publication

### IV. Hearing Aids

No updates this publication

### V. Drugs

**DELETED CODES** (no longer needs authorization)

Agents used to promote smoking cessation (including patches, nasal sprays, gum and inhaler)

J1440 Injection, Filgrastin (G-CSF) 300 mcg.

J1441 Injection, Filgrastin (G-CSF) 480 mcg.

### VI. Rehabilitative Services

## OCCUPATIONAL THERAPY

Any combination of the following codes that exceed six units requires authorization:

<u>Code</u>	<u>Description</u>
97003	Occupational therapy evaluation, initial
97004	Occupational therapy reevaluation, periodic

The following occupational therapy codes always require authorization:

<u>Code</u>	<u>Description</u>
X4511	Unlisted occupational therapy
97150	Occupational therapy group sessions
97750	Physical performance test, functional capacity

Occupational therapy code requiring authorization:

<u>Code</u>	<u>Description</u>
X5511	Occupational therapy supplies that exceed \$32.00 per calendar year

Any combination of the following codes that exceed 50 hours (200 units):

<u>Code</u>	<u>Description</u>
X4515	Occupational therapy, motor skills
X4524	Occupational therapy, preventive skills
X4526	Occupational therapy, therapeutic adaptations
97535	Self care home management training, (e.g., Activities of Daily Living [ADL's] compensatory training, meal preparation, safety procedures, and instruction in use of adaptive equipment)
97537	Community work reintegration training (e.g., shopping, transportation, money management, avocational activities and/or work environment/modification analysis, work task analysis)
97770	Sensory integrative or cognitive skills

## PHYSICAL THERAPY

Any combination of the following codes that exceed eight units:

<u>Code</u>	<u>Description</u>
97001	Physical therapy evaluation, initial
97002	Physical therapy evaluation, periodic



Any combination of the following codes that exceed 30 hours (120 units):

<b><u>Code</u></b>	<b><u>Description</u></b>
97032	Electrical stimulation
97033	Iontophoresis
97034	Contrast baths
97035	Ultrasound
97036	Hubbard tank
97110	Therapeutic procedure, exercises
97112	Therapeutic procedure, neuromuscular
97113	Therapeutic procedure, aquatic therapy
97116	Therapeutic procedure, gait training
97124	Massage
97140	Manual therapy techniques (e.g., mobilization/manipulation, manual lymphatic drainage, manual traction), one or more regions
97504	Orthotics fitting and training; upper and lower extremity
97520	Prosthetics, initial
97530	Therapeutic activities
97542	Wheelchair management propulsion training
97703	Checkout for orthotic/prosthetic use
X5515	PT wound care

Any combination of the following modalities that exceed 30 treatment sessions:

<b><u>Code</u></b>	<b><u>Description</u></b>
90901	Biofeedback training by any modality
97010	Hot or cold packs
97012	Traction
97014	Electric stimulation
97016	Vasopneumatic devices
97018	Paraffin bath
97020	Microwave
97022	Whirlpool
97024	Diathermy
97026	Infrared
97028	Ultraviolet

Any combination of the following codes that exceed two treatment sessions:

<b><u>Code</u></b>	<b><u>Description</u></b>
95831	Muscle testing, manual extremity (excluding hand) or trunk, with report
95832	Hand, with or without comparison with normal side
95833	Total evaluation of body, excluding hands
95834	Total evaluation of body, including hands

## Official Notices

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Any combination of the following codes that exceed 12 treatment sessions:

<b><u>Code</u></b>	<b><u>Description</u></b>
95851	Range of motion measurements and report; each extremity (excluding hand) or each trunk section (spine)
95852	Range of motion measurements and report; - hand with comparison to normal side

The following codes always require authorization:

<b><u>Code</u></b>	<b><u>Description</u></b>
97039	Unlisted modality
97139	Unlisted therapeutic procedure
97150	Therapeutic procedures, group, two or more persons
97545	Work hardening/conditioning; initial 2 hours
97546	Work hardening, additional hour
97750	Physical performance test or measurement (functional capacity)
97799	Unlisted physical med/rehab service

### SPEECH-LANGUAGE PATHOLOGY

The following codes always require authorization:

<b><u>Code</u></b>	<b><u>Description</u></b>
92598	Modification of voice prosthetic or augmentative/ alternative communication device to support oral speech
92599	Unlisted otorhinolaryngological services

The following codes require authorization as listed:

<b><u>Code</u></b>	<b><u>Description</u></b>
V5362	Speech screening (articulation) that exceed four units.
V5363	Language screening (receptive or expressive) that exceed four units.
V5364	Dysphagia screening that exceed four units
92506	Medical evaluation of speech that exceed six units
92525	Evaluation of swallowing or oral function for feeding that exceed four units
92597	Evaluation for use and/or fitting of voice prosthetic or augmentative/alternative communication device to support oral speech that exceed eight units

Any combination of the following codes that exceed 50 hours (200 units):

<b><u>Code</u></b>	<b><u>Description</u></b>
92507	Individual speech, language and hearing treatment
92508	Group speech language or hearing treatment
92510	Aural rehab following cochlear implant
92526	Treatment of swallowing dysfunction and/or oral function for feeding

#### VII. All Other Services

##### 1. Non-investigative Services

No update this publication

##### II. Investigative List Alpha Order

No update this publication

##### III. Investigative List Numeric

No update this publication

## Department of Human Services

### Health Care Administration

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

**NOTICE IS HEREBY GIVEN** to recipients, providers of services, and to the public of certain changes to the Medical Assistance (MA) Program, the General Assistance Medical Care (GAMC) Program, and the MinnesotaCare Program, enacted by the 1999 Minnesota Legislature. This notice is published pursuant to *Code of Federal Regulations*, Title 42, section 447.205, which requires public notice of any significant proposed change in the methods and standards for setting payment rates for services. This notice is also published pursuant to 42 *U.S.C.* section 1396a(a)(13), which requires the Department to publish proposed and final nursing facility, inpatient hospital, and ICF/MR payment rates, the methodologies underlying the establishment of such rates, and the justification for such rates. The changes to the state MA Program are expected to result in a net increase in MA Program expenditures of \$50,000,000 for State Fiscal Year 2000 and \$138,000,000 for State Fiscal Year 2001.

The actual text of these changes is contained in *1999 Minnesota Session Laws* at the chapters cited below. *Minnesota Session Laws* are available by calling the House or Senate Index at 651-296-6646 or 651-296-0504. It is important to note that not all changes made to these programs by the 1999 Legislature are mentioned in this notice. For example, only eligibility changes that are considered of interest to providers are represented in the notice. It is also important to note that although some of the payment rate changes are effective in SFY 2001, they are noted here and will not be shown in the DHS notice next June.

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

Changes were made to the following areas:

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

#### I. MA, GAMC, MinnesotaCare Eligibility

- Effective 7/1/99, the Commissioner may require hospitals to refund MinnesotaCare hospital inpatient copayments for some enrollees if paid between March 1, 1999 and December 31, 1999. If the Commissioner requires refunds of copayments, hospitals shall collect copayments directly from Commissioner. Chapter 245, Article 1, Section 2.
- Effective 7/1/99, federal and state tax rebates are excluded from income or assets for purposes of public assistance programs, including MA, GAMC and MinnesotaCare, as permitted under federal law. Chapter 245, Article 4, Section 18.
- Effective 7/1/99, the \$120 annual premium for the Senior Citizen Drug Program is eliminated. Chapter 245, Article 4, Section 21.
- Effective 7/1/99, the annual deductible for the Senior Citizen Drug Program is raised to \$420, which raises the monthly deductible from \$25 to \$35 per month. Chapter 245, Article 4, Section 21.
- Effective 7/1/99, the Commissioner must operate the Senior Citizen Drug Program so that the costs total no more than the amount appropriated by the Legislature plus proceeds from the pharmacy rebate program. Chapter 245, Article 4, Section 23.
- Effective 7/1/99, the deprivation requirement that made MA eligibility for two parent families contingent on the primary wage earner working less than 100 hours per month is eliminated. Chapter 245, Article 4, Section 31.
- Effective 7/1/00, the July 1, 1996 AFDC standard is increased by 3 percent, which increases the MA income standard for the medically needy and the GAMC income standard. Chapter 245, Article 4, Section 32.
- Effective 1/1/00, and on each successive January 1, the MA income standard for Supplemental Security Income (SSI) recipients is increased by the amount of the SSI cost of living adjustment. Chapter 245, Article 4, Section 32.

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- Effective 7/1/99, MA eligibility is available for employed persons who are (1) disabled based on SSI standards; (2) have countable assets no greater than \$20,000 excluding retirement accounts, medical expense accounts and all other assets excluded by MA; (3) pay a premium, if required, under this section. Income and assets of spouses are disregarded when determining eligibility and premiums. The premium is equal to 10% of gross income above 200 percent of the federal poverty guidelines. Chapter 245, Article 4, Section 34.
- Effective 7/1/99, deductions from income for persons who have MA long term care spend downs include all income exclusions mandated by federal law. Chapter 245, Article 4, Section 35.
- Effective 7/1/99, an applicant for MA is deemed eligible for a period of 30 days beginning the month of application if, based upon the application, the person appears to meet specific detailed criteria. Verification is required within 30 days of notice or eligibility is terminated. Chapter 245, Article 4, Section 36.
- Effective 7/1/99, an applicant for GAMC is deemed eligible for a period of 30 days beginning the month of application if, based upon the application, the person appears to meet specific detailed criteria. Verification is required within 30 days of notice or eligibility is terminated. Chapter 245, Article 4, Section 86.
- Effective 7/1/99, MinnesotaCare inpatient hospital copayments are eliminated for parents and relative caretakers of children under age 21 in households with income at or below 175 % of the federal poverty guidelines. This exception expires 7/1/00. Chapter 245, Article 4, Section 89.
- Effective 7/1/99, relative caretakers must cooperate with third party liability and medical support requirements when applying for MinnesotaCare. Chapter 245, Article 4, Section 91.
- Effective 7/1/99, a person eligible for MA without a spend down can choose either MA or MinnesotaCare. Chapter 245, Article 4, Section 92.
- Effective 7/1/99, the Commissioner of Human Services is permitted to terminate MinnesotaCare outreach if the outreach effort does not increase enrollment in MinnesotaCare, MA or GAMC. Chapter 245, Article 4, Section 93.
- Effective 7/1/99, grandparents can apply for MinnesotaCare only if they meet the definition of a relative caretaker. A caretaker is not required to apply for MinnesotaCare with the children if the caretaker applies only for children. Chapter 245, Article 4, Section 94.
- Effective 7/1/00, MinnesotaCare coverage is available retroactively for people terminated from MA or GAMC if they apply for MinnesotaCare within 30 days of mailing of the MA/GAMC termination notice. Coverage will be retroactive to the month MA/GAMC termination is effective, if premiums are paid for the retroactive, current and prospective months within 30 days of receipt of premium notice. Chapter 245, Article 4, Section 95.
- Effective 7/1/99, the provision that presumes applicants and enrollees eligible for MinnesotaCare upon payment of premiums governs only once annually. Verification of eligibility must be provided within 30 days of when the applicant or enrollee is notified, that pending verification, the application or reenrollment has been approved. Chapter 245, Article 4, Section 96.
- Effective 7/1/00, MinnesotaCare premium payments are considered unpaid if the premium payment submitted by the enrollee is not honored by the designated financial institution. A guaranteed form of payment will be required for failure to pay, and will include a cashier's check, cash or money order as the only means to replace a dishonored check, returned or refused payment. Chapter 245, Article 4, Section 97.
- Effective 7/1/00, the 4 month penalty of disenrollment from MinnesotaCare for failure to pay premiums is eliminated if all past due and current premium payments are made within 20 days of disenrollment. Reenrollment is required retroactive to the date of disenrollment. Chapter 245, Article 4, Section 97.
- Effective 7/1/99, access to employer-subsidized insurance that can bar eligibility for MinnesotaCare includes insurance available through a current employer within 18 months prior to application or reapplication. Chapter 245, Article 4, Section 98.
- Effective 7/1/99, conditions under which certain children with existing health coverage may qualify for MinnesotaCare are codified from existing administrative rule and clarified. Chapter 245, Article 4, Section 98.
- Effective 7/1/99, county agencies may pay MinnesotaCare premiums for enrolled parents in families with children when the parent has been determined in need of chemical dependency treatment by the county. The family must pay the premium after one year. If a parent is not enrolled in MinnesotaCare, the county shall assist the family in applying. Chapter 245, Article 4, Section 98.
- Effective 7/1/99, persons who were on MA or GAMC within one month of their application for MinnesotaCare must meet all requirements that apply to other applicants regarding access to other insurance coverage. Chapter 245, Article 4, Section 98.
- Effective 7/1/99, the law is clarified to provide that MA, GAMC and the Civilian Health and Medical Program of the Uniformed Service (CHAMPUS) are not considered other insurance or health coverage for purposes of the MinnesotaCare 4 month insurance barrier. Chapter 245, Article 4, Section 98.

- Effective 7/1/99 the law is clarified to provide that Medicare is considered “other insurance” for purposes of MinnesotaCare insurance barriers. Chapter 245, Article 4, Section 98.
- Effective 7/1/99, terminology clarifies that a refund of a premium can only be made for a month for which a health plan capitation payment has not been made. Chapter 245, Article 4, Section 100.
- Effective 7/1/99, the law is clarified to provide the sliding fee scale and maximum premium structure for MinnesotaCare premiums. Chapter 245, Article 4, Section 101.
- Effective 7/1/99, the Commissioner of Human Services is directed to develop a one page MinnesotaCare preapplication form and may develop a pilot project to test the feasibility of the form, track the numbers of people found eligible using the form compared to those eligible using the full application, and track the cost of care for those families and children found eligible. Chapter 245, Article 4, Section 106.

## **II. MA, GAMC, MinnesotaCare Services**

- Effective 7/1/00, individual education plan (IEP) teams may authorize services covered by MA according to section 256B.0624, subd. 26. Chapter 245, Article 4, Section 3.
- Effective 7/1/00, the Commissioner will reimburse school districts for the federal share of IEP health-related services that qualify for MA. The Commissioner may retain up to five percent of the MA payments to cover administrative costs. At the end of each fiscal year, the Commissioner will settle up with each school district to ensure that collections from each district for administrative costs are made on a pro rata basis according to the federal earnings for services in each district. Chapter 245, Article 4, Section 4.
- Effective upon federal approval, MA coverage of IEP and individualized family plan services for children enrolled in the PMAP and MinnesotaCare programs shall not be included in the capitated services for children enrolled in health plans through the prepaid MA and MinnesotaCare programs. The Commissioner shall amend the federal waiver to allow the state to separate out these services, and upon federal approval, local school districts should bill the Commissioner for these services. The claims shall be paid on a fee-for-service basis. Chapter 245, Article 4, Section 72.
- Effective 7/1/00, MA will cover services identified in IEPs, including occupational therapy, physical therapy, speech-language therapy, clinical psychological services, nursing services, school psychological services, school social work services, personal care assistants serving as management aides, assistive technology devices, transportation services, and other services covered under the MA state plan. Mental health services eligible for coverage must be provided or coordinated through a children’s mental health collaborative where a collaborative exists if the child is included in the collaborative operational target population. The provision or coordination of services does not require that the individual education plan be developed by the collaborative. The services listed in a child’s individual education plan are eligible for MA reimbursement only if those services meet criteria for federal financial participation under the Medicaid program. Chapter 245, Article 4, Section 45.
- Effective 7/1/00, approval of health-related services for inclusion in an IEP does not require prior authorization for purposes of reimbursement. The Commissioner may require physician review and approval of a plan no more than once a year, or upon a modification that changes health-related services. Chapter 245, Article 4, Section 45.
- Effective 7/1/00, MA services provided under an IEP or an individual family service plan by local school district will not count against MA authorization thresholds for that child. Chapter 245, Article 4, Section 45.
- Effective 7/1/99, coverage of prescription drugs in the Senior Drug Program will be limited to those drugs that are covered under the MA program and are provided by manufacturers who have fully executed senior drug rebate agreements with the Commissioner. Chapter 245, Article 4, Section 19.
- Effective 7/1/99, physicians or hospitals may request reconsideration of a decision that inpatient hospital services are not medically necessary by submitting a written request for review to the Commissioner within 30 days of receiving notice of the decision. Chapter 245, Article 4, Section 24.
- Effective 7/1/99, MA and GAMC will cover telemedicine consultations. These consultations may be made by two-way, interactive video, or by the “store and forward” method. Coverage is limited to three consultations per calendar week, per recipient. In addition, the patient record must include a written opinion from the consulting physician. A communication between two physicians that consists solely of a telephone conversation is not a telemedicine consultation. Chapter 245, Article 4, Section 37 and 87.
- Effective 7/1/99, MA coverage of physical therapy and occupational therapy will include specialized maintenance therapy. Chapter 245, Article 4, Sections 39 and 40.
- Effective 7/1/99, MA will cover speech language pathology and related services, including specialized maintenance therapy. Chapter 245, Article 4, Section 41.

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- Effective 7/1/99, one-time thresholds will replace annual thresholds for rehabilitation services described in 256B.0625, subd. 8, 8a, and 8b. The one-time thresholds will be the same in amount as the thresholds used by DHS during calendar year 1997, except that they will not be reviewed annually, and they will include sensory skills and cognitive training skills. A care management approach for authorization of services will be instituted after the one-time threshold services have been used and will require the provider and DHS to work together to establish a medically necessary care management plan. The plan may include approval of up to 12 months of service without additional documentation. The Commissioner shall implement an expedited five-day turnaround time to review authorization requests for recipients who need emergency rehabilitation services, and who have exhausted their one-time threshold. Chapter 245, Article 4, Section 42.
- Effective 7/1/99, the Commissioner will set maximum allowable costs for multisource prescription drugs that are not on the federal upper limit list (as described in *United States Code*, title 42, chapter 7, section 1396r-8(e), the Social Security Act, and *Code of Federal Regulations*, title 42, section 447.332.) Multisource drugs are defined as outpatient drugs, excluding innovator multisource drugs for which there are two or more products that are therapeutically and pharmaceutically equivalent and bioequivalent as determined by the Food and Drug Administration, and are sold or marketed in Minnesota. Chapter 245, Article 4, Section 43.
- Effective 7/1/99, MA and GAMC will cover certified neonatal nurse practitioner services if:
  - The service provided on an inpatient basis is not included as part of the cost for inpatient services included in the operating payment rate;
  - the service is otherwise covered as a physician service; and
  - the service is within the scope of the nurse practitioner's license. Chapter 245, Article 4, Section 46 and 87.
- Effective 7/1/99, a nursing facility may require residents to use pharmacies that utilize unit dose packing systems approved by the Minnesota Board of Pharmacy, and may require residents to use pharmacies that meet the regulations for safe and timely administration of medications. Nursing facilities may not restrict a resident's choice of pharmacy because the pharmacy utilizes a specific system of unit dose drug packing. Chapter 245, Article 4, Section 67.
- Effective 7/1/99, the Commissioner shall not require implementation of county-based purchasing (CBP) until six months after federal CBP waiver has been obtained, if a county has submitted the final plan, as required by 256B.692. The Commissioner shall allow counties that submitted information under this section to submit additional or supplemental information, which was not possible to submit by April 1, 1999. If amendments to the final plan are necessary due to the terms of the waiver approval, the Commissioner shall allow a county or group of counties 60 days to make the necessary amendments, and shall not require implementation until 6 months after the revised final plan has been submitted. Chapter 245, Article 4, Section 70.
- Effective 7/1/99, the Commissioner, in consultation with representatives of county boards of commissioners, shall identify information necessary for county boards to make recommendations to the Commissioner that are related to state purchasing under PMAP and effective administration of county-based purchasing. The information must include, but is not limited to, county-specific, fee-for-service, and prepaid health plans information. Chapter 245, Article 4, Section 71.
- Effective 7/1/99, prepaid health plans that provide covered health services for eligible persons pursuant to chapter 256B, 256D and 256L, must comply with the terms of their contracts with the Commissioner. Applicable requirements, established after the effective date of the contract, take effect when the contract is next issued or renewed. Chapter 245, Article 4, Section 73.

### III. MA, GAMC, and MinnesotaCare Payment Rates

- Minnesota's MA inpatient hospital payment system establishes hospital specific rates for Minnesota hospitals and local trade area hospitals on a calendar year basis. The rates are rebased to more current data every two years according to *Minnesota Statutes*, section 256.969, subdivision 26. The rates were rebased effective January 1, 1999. In calendar years that the rates are not rebased, a hospital cost index is used to inflate the prior year's operating payment rate. Effective January 1, 2000, the hospital cost index will be reduced by 2.5 percentage points. Because the hospital cost index is based on a forecasted amount published in the third quarter of 1999 by Data Resources, Inc., it will not be known until 12/1/99. Chapter 245, Article 4, Section 25. For additional information, please contact Richard Tester, Supervisor, Inpatient and Health Center Services Unit, Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3853, 651-296-5596. For final rates, contact Richard Tester on or after 12/1/99.
- Effective for services rendered on or after 1/1/00, payment rates for nonsurgical hospital outpatient facility fees and emergency room facility fees shall be increased by 8 percent over the rates in effect on December 31, 1999, except a federal maximum allowable payment applies. Chapter 245, Article 4, Section 77.

- Effective 1/1/00, MA reimbursement for outpatient, emergency, and ambulatory surgery hospital facility fee services for critical access hospitals shall be paid on a cost based payment system that is based on the cost-finding methods and allowable costs of the Medicare program. Chapter 245, Article 4, Section 77.
- Effective for services rendered on or after 1/1/00, payment rates for physicians and professional services shall be increased by three percent over the rates in effect on December 31, 1999, except for home health agency and family planning agency services. These changes will be implemented 1/1/2000 for managed care. Chapter 245, Article 4, Section 78.
- Effective for services rendered on or after 1/1/00, payment rates for dental services shall be increased by three percent over the rates in effect on December 31, 1999. This change will be implemented 1/1/2000 for managed care. Chapter 245, Article 4, Section 78.
- Effective 10/1/99, payment rates for dental tooth sealants and fluoride treatments shall be the lower of (I) the submitted or (ii) 80 percent of the median 1997 charges. This change will be implemented 1/1/00 for managed care. Chapter 245, Article 4, Section 78.
- Effective 7/1/00, the Commissioner shall develop and implement package rates, bundled rates, or per diem rates for special education services that will allow separately covered services to be grouped and billed as a unit to decrease administrative complexity. The Commissioner shall also develop a cost-based payment structure for payment of special education services. Chapter 245, Article 4, Section 45.
- Effective 7/1/99, the requirement to apply for essential community provider (ECP) status prior to enrollment as a federally qualified health center (FQHC) or rural health clinic (RHC) is eliminated. This allows providers with FQHC or RHC status, not currently eligible to receive cost based reimbursement because of the inability to apply for ECP status, to enroll as an FQHC or RHC and receive cost based reimbursement. Providers should submit an enrollment application to the DHS Provider Enrollment Division. Chapter 245, Article 4, Section 47.
- Effective 1/1/00, the Balanced Budget Act of 1997 (BBA) phase-out schedule for cost based reimbursement will be adopted. The adoption of the BBA schedule replaces the complete phase-out of cost based reimbursement contained in the 1115 waiver that was to take effect January 9, 2000. Therefore, cost base payments will be reduced to 95%, effective January 1, 2000 with additional adjustments to the cost based payment rates according to the phase-out schedule. Chapter 245, Article 4, Section 47.
- For prepaid medical assistance program contract rates set by the Commissioner under 256B.69, subd. 5, and effective on or after 1/1/01, capitation rates for nonmetropolitan counties shall on a weighted average be no less than 89 percent of the capitation rate for metropolitan counties, excluding Hennepin county. Chapter 245, Article 4, Section 74.
- Effective 7/1/99, for calendar years 1999, 2000, and 2001, hospitals that participate in funding the federal share of the medical education and research trust fund payment, under Laws 1998, chapter 407, article 1, section 3, shall not be held liable for any amounts attributable to this payment above the charge limit of section 256.969, subdivision 3a. The Commissioner shall assume liability for any corresponding federal share of the payments above the charge limit. Chapter 245, Article 4, Section 75.
- By 1/15/00, the Commissioner shall submit a proposal to the legislature detailing the MA physician and professional services payment methodology conversion to resource based relative value scale. Chapter 245, Article 4, Section 116.

#### **IV. Services and Payment Rates Related to MA Long Term Care Nursing Facilities**

Pursuant to the Governor's biennial budget, the Department of Human Services proposed changes to the rate-setting system. The Minnesota Legislature considered the Department's proposed changes, gathered information, and held public hearings at which trade associations, providers, facility employee union representatives, nursing facility residents, and the general public were invited to attend. The legislature considered the public's input and enacted legislation changing the rate-setting system by the following:

- Effective 7/1/99, the MA payment rates for a 47-bed nursing facility operated by the Red Lake Band of Chippewa Indians must be calculated according to allowable reimbursement costs under the MA program, as specified in *Minnesota Statutes*, section 246.50 (Care of Clients at State Facilities), and are subject to the facility-specific Medicare upper limits. Operating payment rate adjustments effective July 1, 1999 and July 1, 2000, respectively, of 4.843 and 3.632 percent for compensation-related costs and 3.446 and 2.585 percent for non-compensation-related costs will be made available by the Commissioner. The final 1998 and 1999 Medicare cost reports will be used to calculate the adjustments. The facility must submit an application for the compensation adjustment which contains a plan for distribution. The plan must be posted or otherwise available to the nursing facility's employees. Once the plan is approved, the rate adjustment will be added to the facility's payment rate for the period 7/1/99 and 7/1/2000, or the effective date of the nursing facility's plan. Chapter 245, Article 1, Section 2 and Chapter 245, Article 3, Section 20. Article 1, Section 13, sunset of uncodified language, does not apply.

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- Effective 7/1/99 for the 2000 - 2001 biennium, the nursing facility moratorium exceptions authorized in section 144A.073 are funded at \$500,000 for the biennium. Chapter 245, Article 1, Section 2.
- Effective 7/1/99, the replacement-cost-new limits for a total replacement approved under the moratorium exception process will be increased. Approved total replacement projects are also exempt from counting single beds as one-and-a-half beds when computing the capacity days and can use the single-bed limit when computing allowable appraised value. Chapter 245, Article 3, Section 18.
- Effective 7/1/99, a 102-bed facility approved for a moratorium exception on January 13, 1994 may relocate the existing facility to a new location and may include the relocation of up to 75 beds of the existing facility. The six-mile limit for relocation does not apply. The relocation must meet the cost neutrality requirements under 144A.073, subdivision 3c. Chapter 245, Article 3, Sections 1 and 19.
- Effective 7/1/99, a 96-bed nursing facility in Carlton County, which was approved for a total replacement under the moratorium exception process, will be allowed to have the replacement-cost-new limits increased. The resulting maximum allowable replacement costs will be multiplied by 1.25 to constitute the project's dollar threshold. This facility also is exempt from counting their single beds as one-and-a-half beds when computing the capacity days and can use the single-bed limit when computing allowable appraised value. The deadline for this project was extended to May 31, 2000. Chapter 245, Article 3, Sections 18 and 44.
- Effective 7/1/99 and 7/1/00, nursing facilities reimbursed pursuant to Rule 50 or pursuant to the Alternative Payment System (APS), may apply to the Commissioner for a 4.843 percent and 3.632 percent increase, respectively, based on compensation-related costs. Facilities must submit an application for the compensation adjustment which contains a plan for distribution. The plan must be posted or otherwise available to the nursing facility's employees. Once the plan is approved, the rate adjustment will be added to the facility's payment rate for the period 7/1/99 and 7/1/2000, or the effective date of the nursing facility's plan. Chapter 245, Article 3, Section 20.
- Effective 7/1/99 and 7/1/2000, nursing facilities reimbursed pursuant to Rule 50 or pursuant to the Alternative Payment System, will receive a 3.446 percent and 2.585 percent increase, respectively, based on non-compensation-related operating costs. Chapter 245, Article 3, Section 20.
- Effective 7/1/99, three Rule 50 nursing facilities will get an add-on equivalent to 67% of the spend-up disallowance that would have been disallowed from the operating rate calculated from the 9/30/98 cost report. Chapter 245, Article 3, Section 20.
- Effective 7/1/99, three Rule 50 nursing facilities will get an add-on equivalent to 67% of the spend-up and high-cost disallowance that would have been disallowed from the operating rate calculated from the 9/30/98 cost report. Chapter 245, Article 3, Section 20.
- Effective 7/1/99, the Contractual Alternative Payment Demonstration authorized under 256B.434 is extended for additional one-year terms. Either party can terminate the contract without cause by providing 90 days advance notice. Chapter 245, Article 3, Section 21.
- Effective 7/1/99, facilities reimbursed under the Alternative Payment System will receive a CPI adjustment for property rates. Chapter 245, Article 3, Section 22.
- Effective 7/1/99, five nursing facilities reimbursed under the Alternative Payment System will receive specified one-time rate increases. Chapter 245, Article 3, Section 23.
- Implementation of a performance-based-contracting system was delayed from 7/1/00 to 7/1/01. This system will replace the current nursing facility cost-based and contract (alternative) payment systems (*Minnesota Statutes* sections 256B.431 and 256B.434 and *Minnesota Rules*, parts 9549.0010 to 9549.0080 (Rule 50) provisions). Provisions were adopted that:
  - provide a method to establish rates for newly established NFs
  - require funding for incentive-based payments to be included on the budget change request page submitted to the legislature for the biennial budget
  - require the Commissioner to provide additional recommendations for performance-based contracting (PBC) by February 15, 2000
  - establish a process for APS facilities to transition to PBC and specifies contract requirements
  - specify contract provisions, including duration and termination of contracts
  - specify payment rate provisions



- change the inflation index factor used to Employment Cost Index for Private Industry Workers, as forecasted by DRI and specifies the portion of the rate subject to adjustment (excludes property and PAS costs from this inflation adjustment)
- contain provisions on preadmission screening pass-through, appeals, consumer protection, and quality measures
- specify that contracts are voluntary

Chapter 245, Article 3, Section 25.

- Effective 7/1/99, if the performance-based contracting system is not implemented until 7/1/01, the 3 percent salary adjustment per diem granted in the 1998 legislative session for fiscal years 1999 and 2000 will continue until June 30, 2001. Chapter 245, Article 3, Section 20.
- Effective 7/1/99, state law is amended to align with federal regulations governing nursing facility conditions of participation in medical assistance prohibiting nursing facility admission fees. Chapter 245, Article 3, Section 26.
- Effective 7/1/99, language providing up to 365 days of nursing facility benefit in the Prepaid Medical Assistance Program were eliminated. Ninety days of nursing facility benefit were retained. Chapter 245, Article 3, Section 37.
- Effective 7/1/99, for preadmission screenings, the total payment for each county must be paid monthly by certified nursing facilities in the county. The monthly amount to be paid by each nursing facility for each year must be determined by dividing the county's annual allocation for screenings by 12 to determine the monthly payment and allocating the monthly payment to each nursing facility based on the number of licensed beds in the facility. The Commissioner shall include the total annual payment for preadmission screening for each nursing facility according to 256B.431, subdivision 2b, paragraph (g), or 256B.435. Chapter 245, Article 3, Section 12.

The Department anticipates adding these changes to its Medical Assistance State Plan. Individual nursing facility payment rates are available by contacting the Audits Division, Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3836 or at 651-296-9916.

- Effective 7/1/99, the preadmission screening payment to all counties shall continue at the payment amount in effect for fiscal year 1999. Chapter 245, Article 1, Section 2.

#### ICFs/MR

Pursuant to the Governor's biennial budget, the Department of Human Services proposed changes to the ICF/MR payment rate system. The Minnesota Legislature considered the Department's proposed changes, gathered information, and held public hearings at which trade associations, providers, union representatives, recipients, advocates, and the general public were invited to attend. The legislature considered the public's input and enacted the changes described below. Facility-specific rates are available by contacting John Fillbrandt of the Department of Human Services at 651-582-1910 on or after 7/1/99.

- Effective 10/1/99, the Commissioner shall exempt an ICF/MR from reductions to payment rates under *Minnesota Statutes* 256B.501, subdivision 5b, paragraph (d), clause (6) if the facility has had a settle-up payment rate established in the reporting year preceding the rate year for the one-time rate adjustment; is a newly established facility; is an A to B conversion that has been converted under *Minnesota Statutes*, section 252.292 since rate year 1990; has a payment rate subject to a community conversions project under *Minnesota Statutes*, section 252.292; has a payment rate established under *Minnesota Statutes* section 245A.12 or 245A.13; or, is a facility created by the relocation of more than 25 percent of the capacity of a related facility during the reporting year. For purposes of spend-up limits, the Commissioner shall array facilities within each grouping established under *Minnesota Statutes* section 256B.501, subdivision 5b, paragraph (d) clause (4) by each facility's cost per resident day. A facility's cost per resident day shall be determined by dividing its allowable historical general operating cost for the reporting year by the facility's resident days for the reporting year. Facilities with a cost per resident day at or above the median shall be limited to the lesser of the current year's cost per resident day or the prior report year's cost per resident day plus the inflation factor established under *Minnesota Statutes* section 256B.501 subdivision 3c, clause (2), increased by three percentage points. In no case shall the amount of this reduction exceed three percent for a facility with a licensed capacity greater than 16 beds, two percent for a facility with a licensed capacity of nine to 16 beds, and one percent for a facility with a licensed capacity of eight or fewer beds. For the rate year beginning October 1, 1999, the Commissioner shall not apply the limits established under *Minnesota Statutes* section 256B.501, subdivision 5b, paragraph (d), clause (8). The Commissioner shall use cost per diems based on payment rates based on the laws in effect for payment rates effective October 1, 1998 for the purpose of determining spend-up limits for the rate year beginning October 1, 1999. Chapter 245, Article 3, Section 48.

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- Effective 10/1/00, the Commissioner shall implement a contracting system to replace the current method of setting total cost payment rates under 256B.501 and *Minnesota Rules* 9553. In determining prospective payment rates of ICF/MRs, the Commissioner shall index each facilities operating payment rate by an inflation factor as described in section 256B.5012. The Commissioner of Finance shall include annual inflation adjustments in operating costs as a budget change request. Chapter 245, Article 3, Section 31.
- Effective 10/1/00, for the purpose of conversion to a new payment methodology for ICFs/MR, the performance-based service contract with each intermediate care facility must include provisions for modifying payments when significant changes occur in the needs of the consumers; the establishment and use of continuous quality improvement processes using the results attained through service quality monitoring; appropriate and necessary statistical information required by the Commissioner; annual aggregate facility financial information; and additional requirements for intermediate care facilities not meeting the standards set forth in the service contract. The Commissioner shall recommend to the legislature by January 15, 2000, whether the contract should include service quality monitoring that may utilize performance indicators that measure consumer and program outcomes. Performance measurement shall not increase or duplicate regulatory requirements. Chapter 245, Article 3, Section 32.
- Effective 10/1/00, the total payment rate for existing ICF/MR facilities will be the total of the operating payment rate and the property payment rate plus inflation factors. The initial rate year shall run from October 1, 2000, through December 31, 2001. Subsequent rate years shall run from January 1 through December 31 beginning in the year 2002. The operating payment rate equals the facility's total payment rate in effect on September 30, 2000, minus the property rate. The operating payment rate includes the special operating rate and the efficiency incentive in effect as of September 30, 2000. Within the limits of appropriations specifically for this purpose, the operating payment shall be increased for each rate year by the annual percentage change in the *Employment Cost Index for Private Industry Workers - Total Compensation*, as forecasted by the Commissioner of Finance's economic consultant, in the second quarter of the calendar year preceding the start of each rate year. In the case of the initial rate year beginning October 1, 2000, and continuing through December 31, 2001, the percentage change shall be based on the percentage change in the Employment Cost Index for Private Industry Workers - Total Compensation for the 15-month period beginning October 1, 2000, as forecast by Data Resources, Inc., in the first quarter of 2000. Chapter 245, Article 3, Section 33.
- Effective 10/1/00, the operating payment rate shall be adjusted to reflect an occupancy rate equal to 100 percent of the facility's capacity days as of September 30, 2000. Chapter 245, Article 3, Section 33.
- Effective 10/1/00, the property payment rate will be based on the facility's modified property payment rate in effect on September 30, 2000. The modified property payment rate is the actual property payment rate exclusive of the effect of gains or losses on disposal of capital assets or adjustments for excess depreciation claims. Chapter 245, Article 3, Section 33.
- Effective 10/1/00, a facility minimum property rate of \$8.13 shall be applied to all existing ICF/MR facilities. Facilities with a modified property payment rate effective September 30, 2000, which is below the minimum property rate shall receive an increase effective October 1, 2000, equal to the difference between the minimum property payment rate and the modified property payment rate in effect as of September 30, 2000. Facilities with a modified property payment rate at or above the minimum property payment rate effective September 30, 2000, shall receive the modified property payment rate effective October 1, 2000. Chapter 245, Article 3, Section 33.
- Effective 1/1/02, within the limits of appropriations specifically for this purpose, facility property payment rates shall be increased annually for inflation. The increase shall be based on each facility's property payment rate in effect on September 30, 2000. Modified property payment rates effective September 30, 2000, shall be arrayed from highest to lowest before applying the minimum property payment rate in paragraph (a). For modified property payment rates at the 90th percentile or above, the annual inflation increase shall be zero. For modified property payment rates below the 90th percentile but equal to or above the 75th percentile, the annual inflation increase shall be one percent. For modified property payment rates below the 75th percentile, the annual inflation increase shall be two percent. Chapter 245, Article 3, Section 33.
- Effective 10/1/00, when there is a documented increase in the resource needs of a current ICF/MR recipient or recipients, or a person is admitted to a facility who requires additional resources, the county of financial responsibility may approve an enhanced rate for one or more persons in the facility. Resource needs directly attributable to an individual that may be considered under the variable rate adjustment include increased direct staff hours and other specialized services, equipment, and human resources. Chapter 245, Article 3, Section 33.
- Effective 10/1/99 or thereafter, but prior to October 1, 2000, and annually thereafter, all persons must be screened according to section 256B.092, subdivisions 7 and 8. Screening data shall be analyzed to develop broad profiles of the functional characteristics of recipients. Three components shall be used to distinguish recipients based on the following broad profiles: (1) functional ability to care for and maintain one's own basic needs; (2) the intensity of any aggressive or destructive behavior; and (3) any history of obstructive behavior in combination with a diagnosis of psychosis or

neurosis. The profile groups shall be used to link resource needs to funding. The resource profile shall determine the level of funding that may be authorized by the county. The county of financial responsibility may approve a rate adjustment for an individual. The Commissioner shall recommend to the legislature by January 15, 2000, a methodology using the profile groups to determine variable rates. The variable rate must be applied to expenses related to increased direct staff hours and other specialized services, equipment, and human resources. This variable rate component plus the facility's current operating payment rate equals the individual's total operating payment rate. A recipient must be screened by the county of financial responsibility using the developmental disabilities screening document completed immediately prior to approval of a variable rate by the county. A comparison of the updated screening and the previous screening must demonstrate an increase in resource needs. Rate adjustments projected to exceed the authorized funding level associated with the person's profile must be submitted to the Commissioner. The new rate approved through this process shall not be averaged across all persons living at a facility but shall be an individual rate. The county of financial responsibility must indicate the projected length of time that the additional funding may be needed by the individual. The need to continue an individual variable rate must be reviewed at the end of the anticipated duration of need but at least annually through the completion of the developmental disabilities screening document. Chapter 245, Article 3, Section 34.

- Effective 10/1/00, facility total payment rates may be adjusted by the host county, with authorization from a statewide advisory committee, if, through the local system needs planning process, it is determined that a need exists to amend the package of purchased services with a resulting increase or decrease in costs. Except as provided in section 252.292, subdivision 4, if a provider demonstrates that the loss of revenues caused by the downsizing or closure of a facility cannot be absorbed by the facility based on current operations, the host county or the provider may submit a request to the statewide advisory committee for a facility base rate adjustment. Property rates for all facilities relocated after December 31, 1997, and up to and including October 1, 2000, shall have the full annual costs of relocation included in their October 1, 2000, property rate. The property rate for the relocated home is subject to the costs that were allowable under *Minnesota Rules*, chapter 9553, and the investment per bed limitation for newly constructed or newly established class B facilities. Chapter 245, Article 3, Section 34.
- Effective 10/1/00, in ensuing years, all relocated homes shall be subject to the investment per bed limit for newly constructed or newly established class B facilities under section 256B.501, subdivision 11. The limits shall be adjusted on January 1 of each year by the percentage increase in the construction index published by the Bureau of Economic Analysis of the United States Department of Commerce in the Survey of Current Business Statistics in October of the previous two years. Facilities that are relocated within the investment per bed limit may be approved by the statewide advisory committee. Costs for relocation of a facility that exceed the investment per bed limit must be absorbed by the facility. Chapter 245, Article 3, Section 34.
- Effective 10/1/00, the payment rate shall take effect when the new facility is licensed and certified by the Commissioner of Health. Rates for facilities that are relocated after December 31, 1997, through October 1, 2000, shall be adjusted to reflect the full inclusion of the relocation costs, subject to the investment per bed limit in paragraph (b). The investment per bed limit calculated rate for the year in which the facility was relocated shall be the investment per bed limit used. Chapter 245, Article 3, Section 34.
- Effective 9/30/00, if a facility is operating at less than 100 percent occupancy on, or if a recipient is discharged from a facility, the Commissioner shall adjust the total payment rate for up to 90 days for the remaining recipients. This mechanism shall not be used to pay for hospital or therapeutic leave days beyond the maximums allowed. Facility payment adjustments exceeding 90 days to address a demonstrated need for access must be submitted to the statewide advisory committee with a local system needs assessment, plan, and budget for review and recommendation. Chapter 245, Article 3, Section 34.
- Effective 10/1/00, all facilities shall maintain financial records and shall provide annual income and expense reports to the Commissioner of Human Services on a form prescribed by the Commissioner no later than April 30 of each year in order to receive medical assistance payments. The reports for the reporting year ending December 31 must include salaries and related expenses, including program salaries, administrative salaries, other salaries, payroll taxes, and fringe benefits, general operating expenses, including supplies, training, repairs, purchased services and consultants, utilities, food, licenses and fees, real estate taxes, insurance, and working capital interest, property related costs, including depreciation, capital debt interest, rent, and leases, and total annual resident days. Chapter 245, Article 3, Section 35.
- Effective 10/1/00, training and habilitation services costs shall be paid as a pass-through payment at the lowest rate paid for the comparable services at that site under sections 252.40 to 252.46. The pass-through payments for training and habilitation services shall be paid separately by the Commissioner and shall not be included in the computation of the total payment rate. Chapter 245, Article 3, Section 36.
- Effective 1/1/00, the Commissioner shall authorize and license a newly constructed facility in a twin-home configuration to replace the current 64-bed Lake Owasso Residence in Ramsey county. The new residence will be considered a newly constructed facility for the purposes of rate setting. Chapter 245, Article 3, Section 11.

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- Effective 1/1/99, the Commissioner shall fund the services provided at a facility in Northfield under the State's Medical Assistance program, transferring one-half of the state share cost of services from the Community Social Service Allocation of the counties of financial responsibility of persons residing in the facility toward repayment of the program. Chapter 245, Article 3, Section 43.
- Effective 7/1/99, a residential service provider in Carver county may submit for the Commissioner's approval a plan to reconfigure and downsize two licensed facilities on a single campus. The plan must include methodology for developing alternative services for affected residents, and shall provide for the provision of temporary care services. The plan may also include the development of a new 6-bed ICF/MR. Certain specified cost adjustments and reporting procedures shall be observed in setting the rates for both the reconfigured facilities, and for any new facility developed under the plan. Chapter 245, Article 3, Section 47.

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

- Effective 7/1/99, the Commissioner shall increase reimbursement rates by four percent the first year of the biennium and by three percent the second year for the providers listed below. The increases shall be effective for services rendered on or after July 1 of each year. The rate increases described in this section shall be provided to home and community-based waived services for persons with mental retardation or related conditions under *Minnesota Statutes*, section 256B.501; home and community-based waived services for the elderly under *Minnesota Statutes*, section 256B.0915; waived services under community alternatives for disabled individuals under *Minnesota Statutes*, section 256B.49; community alternative care waived services under *Minnesota Statutes*, section 256B.49; traumatic brain injury waived services under *Minnesota Statutes*, section 256B.49; nursing services and home health services under *Minnesota Statutes*, section 256B.0625, subdivision 6a; personal care services and nursing supervision of personal care services under *Minnesota Statutes*, section 256B.0625, subdivision 19a; private-duty nursing services under *Minnesota Statutes*, section 256B.0625, subdivision 7; day training and habilitation services for adults with mental retardation or related conditions under *Minnesota Statutes*, sections 252.40 to 252.46; alternative care services under *Minnesota Statutes*, section 256B.0913; adult residential program grants under *Minnesota Rules*, parts 9535.2000 to 9535.3000; adult and family community support grants under *Minnesota Rules*, parts 9535.1700 to 9535.1760; semi-independent living services under *Minnesota Statutes*, section 252.275, including SILS funding under county social services grants formerly funded under *Minnesota Statutes*, chapter 256I; and community support services for deaf and hard-of-hearing adults with mental illness who use or wish to use sign language as their primary means of communication. Providers that receive a rate increase under this section shall use at least 80 percent of the additional revenue to increase the compensation paid to employees other than the administrator and central office staff. A copy of the provider's plan for complying with this provision must be made available to all employees. This must be done by giving each employee a copy or by posting it in an area of the provider's operation to which all employees have access. If an employee does not receive the salary adjustment described in the plan and is unable to resolve the problem with the provider, the employee may contact the employee's union representative. If the employee is not covered by a collective bargaining agreement, the employee may contact the Commissioner at a phone number provided by the Commissioner and included in the provider's plan. Chapter 245, Article 1, Section 2.
- Effective 7/1/01, and within the limits of appropriations specifically for this purpose, the Commissioner shall provide an annual inflation adjustment for the providers listed below. The index for the inflation adjustment must be based on the change in the Employment Cost Index for Private Industry Workers - Total Compensation forecasted by Data Resources, Inc., as forecasted in the fourth quarter of the calendar year preceding the fiscal year. The Commissioner shall increase reimbursement or allocation rates by the percentage of this adjustment, and county boards shall adjust provider contracts as needed. The Commissioner of Finance shall include an annual inflationary adjustment in reimbursement rates for the providers listed below using the inflation factor specified above as a budget change request in each biennial detailed expenditure budget submitted to the legislature under section 16A.11. The annual adjustment shall be provided for home and community-based waiver services for persons with mental retardation or related conditions under section 256B.501; home and community-based waiver services for the elderly under section 256B.0915; waived services under community alternatives for disabled individuals under section 256B.49; community alternative care waived services under section 256B.49; traumatic brain injury waived services under section 256B.49; nursing services and home health services under section 256B.0625, subdivision 6a; personal care services and nursing supervision of personal care services under section 256B.0625, subdivision 19a; private duty nursing services under section 256B.0625, subdivision 7; day training and habilitation services for adults with mental retardation or related conditions under sections 252.40 to 252.46; physical therapy services under sections 256B.0625, subdivision 8, and 256D.03, subdivision 4; occupational therapy services under sections 256B.0625, subdivision 8a, and 256D.03, subdivision 4; speech-language therapy services under section 256D.03, subdivision 4, and *Minnesota Rules*, part 9505.0390; respiratory therapy services under section 256D.03, subdivision 4, and *Minnesota Rules*, part 9505.0295; alternative care services under section 256B.0913; adult residential program grants under *Minnesota Rules*, parts 9535.2000 to 9535.3000; adult and family community support grants under

*Minnesota Rules*, parts 9535.1700 to 9535.1760; semi-independent living services under section 252.275 including SILS funding under county social services grants formerly funded under chapter 256I; and community support services for deaf and hard-of-hearing adults with mental illness who use or wish to use sign language as their primary means of communication. Chapter 245, Article 4, Section 79.

- Effective 7/1/99, with implementation expected Fall 99, two recipients of private duty nursing services may share nursing staff. The rate paid to a provider for shared services by a registered nurse or licensed practical nurse, shall not exceed 1.5 times the nonwaivered private duty nursing rates paid for serving a single individual who is not ventilator dependent. Chapter 245, Article 4, Section 57.
- Effective 7/1/99, the payment rates for public health nurse visits that relate to the provision of personal care services are \$210.50 for a face-to-face assessment visit and \$105.25 for each service update and each request for a temporary service increase. The rates specified in paragraph must be adjusted to reflect provider rate increases for personal care assistant for the fiscal year ending June 30, 2000, and subsequent fiscal years. Chapter 245, Article 4, Section 58.
- Effective 7/1/99, funding shall be increased to add 100 additional eligible persons on the MR/RC Waiver each year beyond the February 1999 Medical Assistance forecast. The funding will be available for individual counties or to groups of counties that form partnerships. Counties must submit a request for funds and a plan for administering the program as required by the Commissioner. Chapter 245, Article 4, Section 61.
- Effective 7/1/99, residential crisis services can be provided by a license holder of an alternative, state-licensed site approved by the Commissioner and do not need to be state operated; payment can be established consistent with county negotiated crisis intervention services; payment for crisis services can exceed 21 days if part of an approved regional plan. Chapter 245, Article 4, Section 69.
- Effective 7/1/99, for risk-sharing in the demonstration project for persons with disabilities to occur, the aggregate fee-for-service cost of covered services provided by the county administrative entity must exceed the aggregate sum of capitation payments made to the county. The county authority is required to maintain its current level of nonmedical assistance spending on enrollees. If the Commissioner finds that the aggregate fee-for-service cost is greater than the sum of the capitation payments, the Commissioner shall: (1) For the first contract year for each project, pay the county administrative entity 50 percent of the difference between the sum of the capitation payments and 100 percent of projected fee-for-service costs; for aggregate fee-for-service costs in excess of 100 percent of projected fee-for-service costs, pay 250 percent of the difference between the aggregate fee-for-service cost and the projected fee-for-service cost, up to 104 percent of the projected fee-for-service costs. The county administrative entity shall be responsible for all costs in excess of 104 percent of projected fee-for-service costs. (2) For the second contract year for each project, the Commissioner shall: pay the county administrative entity 37.5 percent of the difference between the sum of the capitation payments and 100 percent of projected fee-for-service costs. The county administrative entity shall be responsible for all costs in excess of 100 percent of projected fee-for-service costs. (3) For the third contract year for each project, the Commissioner shall pay the county administrative entity 25 percent of the difference between the sum of the capitation payments and 100 percent of projected fee-for-service costs. The county administrative entity shall be responsible for all costs in excess of 100 percent of projected fee-for-service costs. (4) For the fourth and subsequent contract years for each project, the county administrative entity shall be responsible for all costs in excess of the capitation. The Commissioner may make the increased payments up to 0.25 percent of the projected per person costs to: (1) offset rate increases for regional treatment services which are higher than was expected; (2) implement incentives to encourage appropriate, high quality, efficient services. Chapter 245, Article 4, Section 83.
- Effective 7/1/99, day training and habilitation rate variances are extended to existing clients who exhibit: severe behavior indicated on the screening document; a medical condition periodically requiring one-to-one staff time for at least 15 minutes; or a permanent decrease in skill functioning verified by medical reports or assessments. Rate variances may also be available when: a licensing determination requires a program change that the vendor cannot comply with due to funding restraints; a determination of need under section 252.28 is approved for a significant and permanent decrease in licensed capacity; or a determination of need is approved for an unusual circumstance which exists that significantly impacts the type or amount of services delivered. Chapter 245, Article 5, Section 11.
- Effective 7/1/99, for mental health case management services as described in 256B.0625, subdivision 20, counties receiving the minimum allocation of \$3,000 or \$5,000, will receive an adjustment. This adjustment will be determined so the county receives the higher of the following amounts:
  - a continuation of the minimum allocation as described in paragraph (g); or
  - an amount based on that county's average number of clients per month who received case management during the fiscal year that ended six months prior to the calendar year, times the average statewide grant per person per month for counties not receiving the minimum allocation.

This amount shall be calculated for adults and children separately. Chapter 245, Article 5, Section 20.

## Official Notices

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- Effective 7/1/99, for ICFs/MR, SILS, DT&H, and MR/RC Waiver services: death or serious injury of the consumer must also be reported to the DHS Licensing Division; staff may administer medications only after they demonstrate the ability as defined in the license holder's medication administration policy and procedures; notice of the proposed termination of services, including those situations that began with a temporary service suspension, must be given at least 60 days before the proposed termination is to become effective; whenever the license holder assists a consumer with the safekeeping of funds or other property, the license holder must annually survey, document, and implement the preferences and have written authorization to do so by the consumer or the consumer's legal representative, and the case manager. Chapter 245, Article 4, Sections 11 through 14.
- Effective 7/1/99, personal care assistants may be supervised by a qualified professional which includes a mental health professional as defined in section 245.462, subdivision 18, or 245.4871, subdivision 26; or a registered nurse as defined in sections 148.171 to 148.285. Qualified professionals may bill MA for services unless the recipient selects the fiscal agent option. Chapter 245, Article 4, Section 26 and 44.
- Effective upon federal approval, MA may cover nursing and home health aide services for a resident in a health care facility licensed by the Commissioner of Health. This does not include hospitals, nursing facilities, or intermediate care facilities. Chapter 245, Article 4, Section 38.
- Effective upon federal approval, consumers of personal care services will have an option to use a fiscal agent in the provision of personal care services. Chapter 245, Article 4, Section 56.
- Effective 7/1/99, covered home care services will include: supervision of personal care assistant services provided by a qualified professional; consulting professional of personal care assistant services under the fiscal agent option; face-to-face assessments, service updates, and review of temporary increases by county public health nurses for personal care assistant services. Chapter 245, Article 4, Section 51.
- Effective 7/1/99, recipients and providers of personal care services may seek a hardship waiver for special language needs. Chapter 245, Article 4, Section 52.
- Effective 7/1/99, without prior authorization, a recipient may receive up to two face-to-face assessments and one service update to determine a recipient's need for personal care services per calendar year. Chapter 245, Article 4, Section 53.
- Effective 7/1/99, for American Indian recipients of MA who are required to enroll with the demonstration project for persons with disabilities, MA will cover health care services provided at American Indian health services facilities and certain facilities operated by a tribe or tribal organization on a fee-for-service basis. The Commissioner of Human Services with tribal governments, will develop a plan for tribes to assist in the enrollment process. Chapter 245, Article 4, Section 81.
- Effective 7/1/99, a certified boarding care home is not included under the Housing with Services regulations. By narrowing this exclusion provision to apply only to the certified boarding care homes, a non-certified boarding care home is now regulated under the Housing with Services statute, which provides the opportunity for residents in these settings to receive services funded by the Elderly Waiver program. Chapter 245, Article 3, Section 21.
- Effective 7/1/99, language that would have made Elderly Waiver services covered service in PMAP beginning 7/1/99 is repealed. The section also expands covered services in the Minnesota Senior Health Options program to include home and community-based waiver services for individuals under age 65 with physical disabilities but without a primary diagnosis of mental illness or developmental disabilities who choose to enroll in this demonstration, according to the terms and conditions of the federal agreement governing that demonstration project. Chapter 245, Article 3, Section 38.
- Effective 1/1/00, Children's Mental Health Professional Home-Based services will be available from a broader range of county and children's mental health collaborative contracted providers. Chapter 245, Article 4, Section 108.
- Effective 7/1/00, Children's Residential Mental Health Treatment in a licensed facility will become an MA covered service. Current county expenditures will form the local match to draw federal reimbursement for the care provided. The Commissioner will return to the 2000 Legislature with any recommended changes to implement the law. Chapter 245, Article 8, Sections 2, 5, 9, & 87.
- Effective 1/1/01, Children's Mental Health Family Community Support Services will be expanded to include new services under Medical Assistance and MinnesotaCare. These services include: (1) services identified in an individual treatment plan when provided by a trained mental health behavioral aide; (2) crisis intervention and crisis stabilization provided outside of hospital inpatient setting; (3) therapeutic components of preschool and therapeutic camp programs. Chapter 245, Article 4, Sections 49, & 111.
- Effective 7/1/99, payments for tribes may be made according to section 256B.0625 for child welfare targeted case management provided by Indian health services and facilities operated by a tribe or tribal organization. Payment for case management provided by county or tribal social services contracted vendors shall be based on a negotiated monthly rate. This rate must not exceed the rate charged by the vendor for the same service to other payers. If the service is provided

by a team of contracted vendors, the county or tribal social services may negotiate a team rate with a vendor who is a member of the team. The team shall determine how to distribute the rate among its members. No reimbursements received by the contracted vendors shall be returned to the county or tribal social services, except to reimburse the county or tribal social services for advance funding provided by the county or tribal social services to the vendor.

If the service is provided by a team that includes contracted vendors and county or tribal social services staff, the costs for staff participation in the team shall be included in the rate. In this case, the contracted vendor and the county or tribal social services may each receive separate payment for services provided by each entity in the same month. To prevent duplication of services, each entity must document, in the recipient's file, the need for team case management and a description of the roles and services of the team member. Chapter 245, Article 8, Section 8.

#### **VI. Other**

- Effective 7/1/99, current and former state and local officials and independent contractors who participate in Medicaid procurement activities have new obligations regarding conflicts of interest and anti-competitive behavior. Failure to comply with this new law can result in civil and criminal penalties. Chapter 245, Article 4, Section 60.
- Effective 7/1/99, the Commissioner will establish a performance data reporting unit that serves counties and the state. The unit will provide counties both individual and group summary level reports on health care eligibility and services provided to recipients for whom they have financial responsibility. DHS shall support this unit and provide technical assistance and access to the data warehouse. Chapter 245, Article 4, Section 27.

## **Department of Labor and Industry**

### **Labor Standards Unit**

#### **Notice of Addition to Commercial Prevailing Wage Rates**

An additional rate has been added to the Commercial Prevailing Wage Rates certified 10/26/98, **Labor Code 402, Boilermakers, in St. Louis County.**

Copies of the additional certifications may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306, or by calling 651-296-6452. Charges for the cost of copying and mailing are \$1.00 for the first page and \$.65 for each additional page. Make check or money order payable to the State of Minnesota.

Gretchen Maglich  
Commissioner

## **Metropolitan Airports Commission**

#### **Notice of Adoption of Ordinance No. 90**

Please take notice that on the 21st day of June, 1999, at a regular meeting, the Metropolitan Airports Commission adopted Ordinance No. 90.

#### **Ordinance No. 90:**

An Ordinance to promote and conserve the public safety, health, peace, convenience and welfare; to regulate aircraft noise at Minneapolis-St. Paul International Airport by prohibiting operation of aircraft exceeding the noise limits established under federal law for Stage 3 Aircraft as of January 1, 2000, and prescribing the penalty for violation thereof.

Copies of Ordinance No. 90 as adopted will be on file with the Secretary of State and may be obtained from the Metropolitan Airports Commission offices.

Jeffrey W. Hamiel  
Executive Director  
Metropolitan Airports Commission  
6040 - 28th Avenue South  
Minneapolis, MN 55450

## Official Notices

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### Metropolitan Radio Board

#### Public Hearing on Proposed 2000 Budget

The Metropolitan Radio Board will hold a public hearing on its proposed 2000 budget. The budget provides funds for the Board's share of capital, leasing and construction management costs for a region-wide 800 megahertz digital two-way public safety radio system for the metropolitan area.

**The hearing will be held Friday, August 6, 1999, 9 a.m. at the Metropolitan Counties Government Center (formerly the Mosquito Control District Offices), 2099 University Ave., St. Paul.** All interested persons are encouraged to attend the hearing and offer comments. People may register in advance to speak by calling 651-602-1392 or 651-291-0904 (TTY). Persons with disabilities may contact the Board at 651-602-1392 or 651-291-0904 (TTY) to request reasonable accommodations for the public hearing.

**Comments, which must be received by 4 p.m., August 27, 1999, may also be submitted as follows:**

- Send written comments to: Pat Pahl, Metropolitan Radio Board, Metropolitan Council, Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101
- Fax comments to Pat Pahl at 651-602-1442
- Record comments on Metropolitan Council's Public Comment Telephone Line at 651-602-1500
- E-mail comments to [data.center@metc.state.mn.us](mailto:data.center@metc.state.mn.us)
- Send TTY comments to 651-291-0904

Copies of the public hearing draft of the proposed 2000 budget will be available on June 10, 1999, through the Metropolitan Council Data Center. Call 651-602-1140 or 651-291-0904 (TTY) to request a copy.

## Department of Natural Resources

### Division of Fish and Wildlife

#### Notice of Fish and Wildlife Habitat Stamp Art Contests

##### Background about the Fish and Wildlife Habitat Stamp Art Contests

*Minnesota Statutes 97A.045* and *Minnesota Rules 6290* permit the Commissioner of the Department of Natural Resources (DNR) to conduct contests for selection of designs for fish and wildlife habitat stamps.

**NOTICE IS HEREBY GIVEN** that entry dates for four habitat stamp contests conducted by the DNR are as follows:

1. **Year 2000 Trout and Salmon Stamp contest.** Entries will be accepted beginning July 26, 1999 and continuing until 4 p.m. Friday, August 6, 1999 at the DNR Fisheries Office, 500 Lafayette Road, St. Paul, MN 55155.
2. **Year 2000 Migratory Waterfowl Stamp contest.** Entries will be accepted beginning August 9, 1999 and continuing until 4 p.m. Friday, August 20, 1999 at the DNR Wildlife Office, 500 Lafayette Road, St. Paul, MN 55155.
3. **Year 2000 Pheasant Habitat Stamp contest.** Entries will be accepted beginning September 7, 1999 and continuing until 4 p.m. Friday, September 17, 1999 at the DNR Wildlife Office, 500 Lafayette Road, St. Paul, MN 55155.
4. **Year 2001 Turkey Habitat Stamp contest.** Entries will be accepted beginning January 24, 2000 and continuing until 4 p.m. Friday, February 4, 2000 at the DNR Wildlife Office, 500 Lafayette Road, St. Paul, MN 55155.

All entries for the contests must be accompanied by the appropriate application materials. Contest application packages, which include all entry forms and specifications, are available by writing: Minnesota DNR Information Center, 500 Lafayette Road, St. Paul, MN 55155-4040; or by calling the DNR at 612-296-6157.

Dated: 1 July 1999

Dave Schad  
Section of Wildlife  
Department of Natural Resources



## 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.

## Department of Economic Security

### Request for Proposals (RFP) - Youth Intervention Program

The Minnesota Department of Economic Security announces the availability of funding under the Youth Intervention Program (authorized by *Minnesota Statute*, Section 268.30). The Request for Proposals (RFP) is for the design of non-residential, community-based programs to provide at-risk youth with early intervention services in order to prevent reoccurrence of program behavior(s) and/or involvement with the juvenile justice system. Youth Intervention Programs must provide direct services to youth and their families, including, but not limited to: advocacy; individual, family, and group counseling services; victim/offender mediation services; restitution/community service supervision; diversion services; educational seminars in theft/shoplifting awareness, drug/alcohol awareness, truancy/curfew awareness, violence awareness, and property offense awareness. Other focus areas include restorative justice programming, mentoring, expansion of weekend and evening outreach services for youth. The total amount of funding available for the year 2000 is \$256,000. The maximum available per proposal for the year 2000 is \$32,000. A match of two local dollars for every one state dollar is required. For a copy of the RFP, contact:

Alana Romanowski  
Workforce Preparation Branch  
Minnesota Department of Economic Security  
390 N. Robert St.  
St. Paul, Minnesota 55101  
651-282-5667 or 1-800-456-8519  
[aromanow@ngwmail.des.state.mn.us](mailto:aromanow@ngwmail.des.state.mn.us)

**Proposals are due no later than 4:30 p.m. on Friday, September 17, 1999.**

## Department of Public Service

### Notice of Availability of E-85 Fueling Site Loans/Grants: Request for Applications

The Minnesota Department of Public Service announces the availability of funds for loans/grants to install 85% ethanol (E-85) motor vehicle fuel dispensing facilities.

Up to \$500,000 in funding may be available. Loans/grants may be awarded for equipment acquisition and installation costs for E-85 fueling facilities that:

- will be located in Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Washington or Wright County;
- will be located no fewer than three miles from an existing E-85 public fueling facility;
- will be open and available to the general public for no fewer than four consecutive years from the date of first operation;
- will be open and available to the general public no fewer than 360 days per year for no fewer than 12 hours per day;
- will meet the requirements of the Fuel Ethanol Compatibility Standards and Dispensing List for E-85 Fuel Vehicles as established and adopted by the American Automobile Manufacturers Association and dated August 10, 1995, copies of which are available from the department;
- will accept the Voyager Fuel Card for payment.

Applications will be accepted until December 15, 1999 or until available funds are exhausted, whichever occurs first. After the 15th day of each month, the department will begin contract negotiations for eligible applications received by that date. If eligible applications for funding exceed available funding, priority will be given to facilities that:

- are closest to interstate exits/entrances;
- have the highest ratio of gallons of motor gasoline sold annually to loan/grant dollars requested.

Funding will be awarded as forgivable, zero interest loans. Twenty-five percent of loan principal will be forgiven for each full year of continuous operation of an E-85 fueling facility.

## Professional, Technical & Consulting Contracts

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

Interested parties may obtain further information from:

Ms. Janice Reak  
Minnesota Department of Public Service  
121 7th Place East, Suite 200  
St. Paul, MN 55101-2145  
651-297-5648

### Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (651) 296-2600 or [TTY (651) 297-5353 and ask for 296-2600].

## Department of Administration

### Notice of Request for Proposals for an Assessment of the Department of Administration

The Commissioner of Administration is issuing a request for proposal for an agency master professional/technical services contract to assist the Commissioner, working through and with the Management Analysis Division, in the study, analysis and evaluation of several aspects of the organization, structure and effectiveness of the Department of Administration. The assistance might include: a general assessment of the department's strengths and weaknesses, with a focus on customer services; executive team development; and integration of the Office of Technology and existing IT structures within the Department. The department anticipates issuing multiple contracts and beginning work around July 30, 1999. The resulting contracts would be for the period through June 30, 2000, with a potential for one 1 year extension. Responses will be due back by 2:30 p.m. CDT, July 12, 1999.

In compliance with *Minnesota Statutes* § 16C.08, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee, along with other responses to this Request for Proposal.

If you would like a copy of the Request for Proposal, please contact:

Judy Plante, Director  
Management Analysis Division  
Voice: 651-297-3904  
FAX: 651-297-1117  
E-Mail: [judy.plante@state.mn.us](mailto:judy.plante@state.mn.us)

## Colleges and Universities, Minnesota State (MnSCU)

### St. Paul Technical College

#### Notice of Request for Proposals to Develop a Postsecondary Education Programs Network (PEPNet) Web-based Data Base

The purpose of this project is to develop a web-based database for the Postsecondary Education Programs Network (PEPNET) with ease of updating and future expansion in mind. The on-line database will allow for consistent collection of data and uniform reporting of technical assistance services and products delivered by the four regional technical assistance centers and their affiliated outreach sites. The goal of the project is to integrate four existing databases into one integrated web-based database with common fields, on-line data entry capabilities for multiple users and uniform as well as customized reporting capabilities.

#### Product Requirements

- Overall database design, structure, security and access model Individual Region Database Integration
- Customized screens and administrative interface to match existing data base screens and interface
- Customized report capabilities
- Administrative Interface(s) for Data Entry and Content Updates
- Monthly hosting costs
- Training of PEPNet staff to use on-line database
- Monthly cost technical support
- Technical assistance when data base is moved to purchaser's server at undetermined future date

#### Delivery System/Platform Requirement

The development products and technologies will include:

- Microsoft Windows NT Server version 4.0 or later as the operating system,
- Microsoft Internet Information Server version 4.0 or later as the web-based platform,
- Microsoft SQL server version 7.0 or later as our database engine,
- Microsoft Active Server Pages to allow the browser to manipulate the database,
- Microsoft Index Server to access and search global collection of electronic information, and
- Microsoft Visual InterDev to integrate SQL database with dynamic web applications.

#### Security

PEPNet requires use of either protocol SSL (Secure Socket Layer) or SHTTP (Secure Hyper Text Transfer Protocol).

#### Deadline to submit proposals

July 16, 1999

#### Proposed Project Timeline

August 1, 1999 - October 31, 1999 for MCPO only database conversion

August 1, 1999 - December 31, 1999 for conversion of all four databases: MCPO, NETAC, PEC and WROCC

#### Contact:

Richard Swenson  
Buyer  
St. Paul Technical College  
235 Marshall Avenue  
St. Paul, MN 55102  
612-228-2947

## Professional, Technical & Consulting Contracts

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### State Board of Electricity

#### Notice of Request for Proposals for Independent Contract Electrical Inspectors

The Minnesota State Board of Electricity is seeking services of independent contract electrical inspectors who must hold a Class "A" Journeyman or Class "A" Master electrician's license in Minnesota to make electrical inspections in designated geographical areas. Compensation is based on a percentage of the inspection fee paid by the installer of wiring when the inspections are completed.

Presently there are no geographical areas open, but all applications submitted will be kept on file for future openings. This is an open request and proposals will be accepted indefinitely. In compliance with *Minnesota Statutes* 16C.08, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee, along with other responses to this Request for Proposal. A formal request for proposal may be requested from and other inquiries made to:

John A. Schultz  
Executive Secretary  
State Board of Electricity  
Griggs-Midway Bldg., Ste S-128  
1821 University Avenue  
St. Paul, Minnesota 55104-2993  
Phone: 651-642-0800  
FAX: 651-642-0441  
E-mail: [john.schultz@state.mn.us](mailto:john.schultz@state.mn.us)

### Department of Health

#### Division of Family Health

#### Center for Health Promotion

#### Public Notice for Proposals for Evaluation Services Project

**NOTICE IS HEREBY GIVEN** that the Center for Health Promotion of the Minnesota Department of Health (MDH) is accepting proposals from qualified parties for a contract to provide assistance in evaluation technical assistance.

The Center for Health Promotion currently funds twelve community-based organizations providing prevention and/or intervention services in the area of fetal alcohol syndrome (FAS). This evaluation services project would provide training, consultation and technical assistance in evaluation techniques and methodologies to these twelve community agencies. Technical assistance would require and involve on-site consultations, collection, design and/or adaptation of evaluation tools, customized evaluation plans, and strategies for synthesizing evaluation results. The MDH will serve as the contact and liaison to all community agencies. The MDH will have final approval of the evaluation process.

MDH expects the vendor to initiate a review of relevant literature in the areas of FAS prevention, intervention and evaluation in addition to meeting with grantees by the completion of the first year of the contract, July 31, 2000. MDH expects a comprehensive evaluation design that provides comparative data and consistent measures between grantees. Satisfactory completion of the contract will involve collection, analysis and interpretation of data in coordination and consultation with grantees and state staff. MDH expects a final report by June 30, 2002.

This RFP does not obligate the MDH to complete this project and the MDH reserves the right to cancel the solicitation if it is considered to be in its best interest. All proposals for this project must be submitted by 4:00 p.m. on July 23, 1999.

**For a copy of the complete Request for Proposal please contact:**

Elisabeth Atherly  
Minnesota Department of Health  
Center for Health Promotion  
P.O. Box 64882  
St. Paul, Minnesota 55164-0882

The street address is

85 East Seventh Place, Suite 400  
St. Paul, Minnesota 55101  
phone: 651-281-9851, FAX: 651-215-8959  
e-mail: [elisabeth.atherly@health.state.mn.us](mailto:elisabeth.atherly@health.state.mn.us)

## Higher Education Services Office

### Request for Proposals for Graphic Designers

The Higher Education Services Office is requesting proposals from qualified professionals to provide graphic design services for Fiscal Years 2000 and 2001. Proposals must be submitted no later than **July 15, 1999**.

The Request for Proposals (RFP) does not obligate the Higher Education Services Office to complete this project, and the Higher Education Services Office reserves the right to cancel the solicitation if it is considered to be in its best interest.

The total cost of this proposal is not to exceed \$111,700 in total for Fiscal Years 2000 and 2001.

Copies of the RFP are available from:

Communications  
Minnesota Higher Education Services Office  
1450 Energy Park Drive, Suite 350  
St. Paul, MN 55108-5227  
651-642-0554

## Higher Education Services Office

### Request for Proposals for Prepress Services

The Higher Education Services Office is requesting proposals from qualified professionals to provide prepress services for Fiscal Years 2000 and 2001. Proposals must be submitted no later than **July 15, 1999**.

The Request for Proposals (RFP) does not obligate the Higher Education Services Office to complete this project, and the Higher Education Services Office reserves the right to cancel the solicitation if it is considered to be in its best interest.

The total cost of this proposal is not to exceed \$52,400 in total for Fiscal Years 2000 and 2001.

Copies of the complete RFP are available from:

Communications  
Minnesota Higher Education Services Office  
1450 Energy Park Drive, Suite 350  
St. Paul, MN 55108-5227  
651-642-0554

## Department of Human Services

### Health Care Purchasing and Service Delivery Division

### Notice of Request for Proposal (RFP) from Vendors Interested in Developing an Outcomes-Based, Retrospective Drug Utilization Review System for the Minnesota Department of Human Services

#### I. Description of Project.

##### A. General/Background Information.

The Commissioner of Human Services (the commissioner) is seeking proposals from vendors with significant expertise in developing outcomes-based, retrospective drug utilization review systems capable of integrating with a Medicaid Management Information System (MMIS).

Federal law requires States to have an operational DUR program that includes prospective drug review, retrospective drug use review, and educational programs. State's may contract with vendors to provide all or part of this program. Currently, the commissioner is requesting proposals from vendors willing to establish the retrospective drug use review portion of the State's DUR program.

This request for proposals does not obligate the commissioner to select a responder, and the commissioner reserves the right to cancel the solicitation, if it is considered in the State's best interest.

## Professional, Technical & Consulting Contracts

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### **B. Scope of the Project.**

As part of an overall DUR program, DHS is seeking vendors willing to develop an outcomes based, retrospective DUR system for ongoing periodic examination of claims data and other records. The purpose of this system is three fold. First, DHS will use the program to identify patterns of fraud, abuse, gross overuse, or inappropriate or medically unnecessary care among physicians, pharmacists, and Medicaid recipients. Second, DHS will use the program to focus on the use of specific drugs or groups of drugs and compare them with predetermined standards. Third, DHS will use the program to develop possible interventions where review suggests potential inappropriate drug usage. These interventions may include, but are not limited to, the following:

- 1) Letters to prescribers or pharmacists notifying them of concerns;
- 2) Counseling of prescribers or pharmacists through education materials and telephone or face-to-face interventions; and
- 3) Patient referrals to Primary Care Utilization Review (PCUR) programs where restricting utilization to selected providers may be beneficial.

DHS is specifically seeking a vendor who can develop a system that includes pattern analysis, predetermined standards of physician prescribing practices, drug use by individual patients and, where appropriate, dispensing practices of pharmacies. The accepted vendor's system must be capable of interacting with the State's mechanized drug claims processing and information retrieval system (MMIS).

## **II. Objectives and Specifications**

### **A. Objectives.**

DHS is seeking a vendor capable of developing an outcomes based, retrospective DUR system capable of advancing the following objectives:

- 1) Increase DHS ability to do meaningful outcomes based, retrospective DUR in a cost-effective manner;
- 2) Ensure appropriate drug therapy, while permitting sufficient professional prerogatives to allow for individualized drug therapy;
- 3) Facilitate expansion and improvement of DHS' current educational activities to include individualized providers and patient specific information and education; and
- 4) Ensure compliance with all applicable state and federal laws, including laws related to drug use review and confidentiality of information.

### **B. Specifications.**

The successful vendor must be able to design a system capable of interacting with the State's MMIS system. The system must rely upon sound clinical, epidemiologic, and cost control objectives to produce the desired results. Further, the system must rely upon predetermined standards to monitor the following:

- 1) Therapeutic appropriateness, that is, drug prescribing and dispensing that is in conformity with predetermined standards;
- 2) Over utilization and underutilization;
- 3) Appropriate use of generic products, that is, use of such products in conformity with state product selection laws;
- 4) Therapeutic duplication;
- 5) Drug-disease contraindications;
- 6) Drug-drug interactions;
- 7) Incorrect drug dosages;
- 8) Incorrect duration of drug treatment; and
- 9) Clinical abuse or misuse.

## **III. Submission of Information.**

### **A. Minimum contents of Proposal.**

All responders submitting proposals in response to this RFP should prepare a complete response package, consisting of the following:

- 1) An original and three copies of each fully completed face sheet. An officer of the vendor's company must sign the original face sheet, in ink. The face sheet can be found in Appendix A.
- 2) A restatement of the objectives and specifications in Section IIA and IIB of this RFP that shows the responder's view of the nature of the program.

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## Professional, Technical & Consulting Contracts

- 3) An outline of the responder's background with particular emphasis on experience and knowledge involving outcomes based, retrospective DUR, and including identification of personnel to conduct the program, with details on training and work experience.
- 4) A detailed cost and work plan that will identify the major tasks to be accomplished and that may also be use as a schedule and a management tool.
- 5) Identification of the level of the department's participation in the project and any other services to be provided by the department.
- 6) A complete description of the vendor's system's technical architecture, including a description of the technical pieces that have to be in place for the vendor's system to operate.
- 7) A description of the vendor and the vendor's system's ability to ensure that the confidentiality of private information, including patient specific data, is maintained.

### **B. Required Provisions.**

DHS will require that the successful responder submit acceptable evidence of compliance with Minnesota workers' compensation insurance coverage requirements, before execution of a contract between the vendor and the commissioner.

### **C. DHS' Contact Person.**

All of the items listed in section IIIA must be completed and submitted to DHS by the deadline provided for in this RFP. Complete responses must be mailed or delivered to:

Cody Wiberg, Pharm.D., R.Ph.  
Purchasing and Service Delivery Division  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3854

Cody Wiberg, 651-297-5297, is the only DHS staff person authorized to respond to inquiries concerning this RFP. All proposals are due to Dr. Wiberg by August 6, 1999 at 4:00 p.m.

DHS will accept no responses to this RFP via fax or E-mail. DHS will evaluate all proposals solely on the information submitted. Failure to submit a complete proposal may result in rejection of the proposal.

Potential vendors must label the portions of their RFP response they wish DHS to consider as possible trade secret information under *Minnesota Statutes*, §13.37, subdivision 1(b). Even if labeled confidential, some information, may not meet the statutory definition of trade secret information and therefore may be public. However, all information submitted in response to this RFP is non-public until the conclusion of the RFP process.

To give prospective vendors an opportunity to ask questions about the specifications contained in this RFP, DHS has scheduled a Proposer's Conference on July 15, 1999 from 1:00 p.m. to 3:00 p.m. DHS will hold the conference at:

Minnesota Department of Human Services  
Conference Room 1A  
444 Lafayette Road  
St. Paul, Minnesota 55155

Potential responders must fax their Proposer's conference questions to Cody Wiberg, Minnesota Department of Human Services, at 651-282-6744. Questions that are not submitted in advance to Dr. Wiberg will be addressed only as time allows at the Proposer's Conference.

### **D. Response Review.**

DHS will evaluate each proposal and make a formal recommendation to the Commissioner of Human Services. In compliance with *Minnesota Statute* Section 16C.08, the availability of this contracting opportunity is being offered to state employees. Responses from state employees will be evaluated along with other responses to this request for proposals. The commissioner reserves the right to reject, at the commissioner's discretion, any and all proposals. The review team will evaluate all proposals based on the following criteria. The weight accorded each criterion is specified in parentheses.

- 1) Experience working with state, local, or federal governments (20%);
- 2) Demonstrated ability to develop outcomes based, retrospective DUR systems (20%);
- 3) The ability of the vendor and its personnel (20%);
- 4) The completeness of the response and the vendors ability to meet all requirements contained in this RFP (20%); and
- 5) Demonstrated cost effectiveness of the system (20%);

## Professional, Technical & Consulting Contracts

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### D. Implementation Schedule.

The following schedule reflects significant events in the implementation of the services covered by this RFP.

Date	Event
June 7, 1999	Notice of RFP published in <i>State Register</i> .
June 7, 1999	RFP's available to prospective responders.
July 8, 1999	Questions for Proposer's Conference due to DHS by 12:00 Noon.
July 15, 1999	Proposer's Conference at DHS from 1:00 p.m. to 3:00 p.m.
August 6, 1999	Proposals must be submitted to DHS by 4:00 p.m.
September 10, 1999	RFP response reviews completed by DHS. Successful responder notified of DHS' intent to negotiate.

## Department of Human Services

### Notice of Request for Proposals for Alternative Payment for Nursing Facility Services

1995 Laws of Minnesota, Chapter 207, Article 7, Section 32 (hereinafter *Minnesota Statutes* Section 256B.434) authorized the Commissioner of the Department of Human Services to establish a contractual alternative payment system as an alternative way to pay for nursing facility services under the Medical Assistance (MA) Program. In order to implement this legislation, the Department established the "Nursing Home Contract Project." The purpose of the Project is to explore a contract-based reimbursement system as an alternative to the current cost-based system for reimbursement of nursing facility services under *Minnesota Statutes*, Section 256B.431.

The 1997 Laws of Minnesota amended *Minnesota Statutes* Section 256B.434. Effective July 1, 1997, the Commissioner is required to issue a request for proposals (RFPs) from nursing homes to provide services on a contract basis at least twice annually. The Commissioner may select the number of proposals that can be adequately supported with state resources and may contract with all facilities submitting a proposal provided that the proposal meets eligibility requirements outlined in the RFP. The nursing facility may be required to negotiate with the State any modifications to the proposal as required by the State to make the terms of the proposal more favorable to the State.

The purpose of this RFP is to solicit proposals from eligible nursing facilities to enter into contracts with the Department to provide nursing facility services to MA recipients. Facilities selected to participate in this project will be eligible to contract with the Department for one-year terms.

Requests for copies of the complete RFP, "Alternative Payment for Nursing Facility Services," should be directed to Jame Bovy at 651-296-2666. The original and three (3) copies of the proposal in response to the RFP must be submitted to the Nursing Home Contract Project, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3836, no later than 4:00 p.m. on Monday, August 23, 1999.

The State of Minnesota reserves the right to reject any and all proposals submitted.

## Department of Human Services

### Notice of Availability of Contract for Registered Nursing Services for the Eastern Minnesota State Operated Community Services

**NOTICE IS HEREBY GIVEN** that Eastern Minnesota State Operated Community Services is seeking registered nursing services for the period of August 1, 1999 through June 30, 2001 for developmentally disabled consumers of 4 EMSOCS homes in the Rice County area. These services are to be performed as requested by the administration of EMSOCS nursing services, it will involve travel. The amount of these contracts are estimated not to exceed \$49,000.00 (\$24,500.00 per fiscal year).

In compliance with *Minnesota Statutes* 16C.08, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee, along with other responses to this Request for Proposal.

Direct inquiries and responses to:

Sylvia Alberts, RN Director  
Eastern Minnesota State Operated Community Services  
P.O. Box 637  
Faribault, MN 55021  
507-333-2055



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## Professional, Technical & Consulting Contracts

For inquiries and responses, please contact Sylvia Alberts. Award of any of these contracts is contingent upon availability of funds. This request does not obligate the State and the State reserves the right to cancel the solicitation.

After five working days, due consideration will be given to any responding employee when the final contracting decision is made.

Please respond no later than July 16, 1999.

## Department of Human Services

### Willmar Regional Treatment Services

#### Notification of Request for Proposal for the Services of a Consultant Registered Nurse

**WE HEREBY GIVE NOTICE** that the Willmar Regional Treatment Center is seeking the services of a Consultant Registered Nurse for the period starting of July 1, 1999 - June 30, 2001. These services are to provide consultation and training to staff and Developmentally Disabled clients at the Redwood Falls Group Home in Redwood Falls, MN. Services will be provided approximately fifty hours monthly.

Questions or copy of RFP can be addressed to: Stephen Grams, Business Manager, Willmar Regional Treatment Center, 1550 Hwy. 71 NE, Willmar, Minnesota 56201. Phone: 230-231-5396.

**WRITTEN RESPONSES and BIDS MUST BE RECEIVED BY Monday 19 July 1999.**

## State Board of Investment

### Notice of Request for Professional Money Management Services

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

External Manager Program  
Minnesota State Board of Investment  
Capitol Professional Office Building  
Suite 200, 590 Park Street  
St. Paul, MN 55103  
651-296-3328  
FAX: 651-296-9572  
E-mail: [mn.sbi@mn.us](mailto:mn.sbi@mn.us)

Please refer to this notice in your written request.

## Office of the Revisor of Statutes

### Notice of Request for Computer Services

The office of the revisor of statutes intends to contract for the following computer services for the period ending June 30, 2000.

The continued development of UNIX based data processing programs for drafting, editing, engrossing and publishing laws and administrative rules.

The programs must be designed to work in coordination with existing mainframe based programs until the existing programs are fully replaced. For this work, experience with the prior development of the legislature's data processing needs is of the highest value to the Revisor. Responses must be received by the Revisor by Friday, July 9, 1999. Inquiries and responses may be directed to:

## Non-State Public Bids, Contracts & Grants

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Michele Timmons  
Revisor of Statutes  
Office of the Revisor of Statutes  
700 State Office Building  
100 Constitution Avenue  
St. Paul, MN 55155-1297  
612-296-2868  
TTY use State Relay Services 1-800-627-3529

### Non-State Public Bids, Contracts & Grants

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

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

## Metropolitan Airports Commission

### Notice of Call for Bids for Sodium Formate and Sodium Acetate for Ice Control

Sealed bids will be received by the Metropolitan Airports Commission at its office at 6040 28th Avenue South, Minneapolis, MN 55450-2799, until 2:00 PM, Local Time, THURSDAY, July 15, 1999, **for the procurement of SODIUM FORMATE AND SODIUM ACETATE FOR ICE CONTROL.**

At that time and place the bids will be publicly opened and the names and address of those responding read aloud. The mailing address is, MAC Purchasing Department, 6040 28th Avenue South, Minneapolis, MN 55450, **and bids to be considered must be received by the Commission by the date and hour set for opening of bids.**

Bids shall be according to the specifications. The Commission reserves the right to reject any or all bids or portions thereof, and to waive any minor irregularities or informalities therein. Copies of the Specifications may be obtained at the office of the Commission, 6040 28th Avenue South, Minneapolis, Minnesota 55450. Phone: 612-726-8146.

Dated: 22 June 1999

Metropolitan Airports Commission  
JoAnn Brown/Buyer-Administrator

## Metropolitan Council

### Public Notice of Request for Proposal for Tort and Property Damage Claim Legal Services

The Metropolitan Council is requesting proposals for the performance of legal services related to tort and property damage claims against the Metropolitan Council that arise out of accidents or incidents involving Metropolitan Council employees or property. The Metropolitan Council anticipates the legal services contract will cover a thirty-six month time period. A copy of the Request for Proposal may be obtained from:

Jay R. Lindgren, General Counsel  
Metropolitan Council  
Mears Park Centre  
230 East Fifth Street  
Saint Paul, Minnesota 55101-1634  
651-602-1723 Voice  
651-602-1640 Facsimile

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## Non-State Public Bids, Contracts & Grants

The requirements of *Minnesota Statutes* section 473.144 will be incorporated into any contract based upon the Request for Proposal. This request does not obligate the Metropolitan Council to complete the work contemplated in this notice and the Request for Proposal. The Metropolitan Council reserves the right to cancel this solicitation, reissue the Request for Proposal and to proceed to do the proposed work otherwise. All expenses incurred in responding to this notice and the Request for Proposal are the responsibility of and will be borne by the responding parties. All written proposals responding to the Request for Proposal must be received at the Metropolitan Council's Mears Park Centre offices in Saint Paul, Minnesota by **4:00 p.m.** on Friday, **July 16, 1999**.

### Ramsey County Parks and Recreation Department

#### Notice of Request for Professional Architects and Engineers Services for Preparation of Plans and Specifications for County Park Structures

The Ramsey County Parks and Recreation Department requires the professional services of a qualified registered architect and associated professional engineers for the preparation of plans and specifications and representation of the County during the construction phase for the construction of two restrooms, gazebo, beach building, and a picnic pavilion and a picnic shelter at Tony Schmidt County Park. Approximate project budget: \$825,000.

**Timeline:**

Proposals issued:	Week 6-21-99
Proposals due:	July 21, 1999
Interviews:	August 6, 1999
Contract finalized:	September 7, 1999
Bidding documents completed:	March 1, 2000
Construction Commences:	May 1, 2000
Project Completion:	December 1, 2000

Interested parties should request the proposal documents by faxing a letter to the Contract and Analysis Division to 651-266-8919, attn: Cory Gomez. Please mention RFP-PRK66-3, Architectural/Engineering services for Tony Schmidt Regional Park. Please include firm name, contact, telephone and fax numbers. Upon receipt of the fax a copy of all documents will be mailed to you.

Questions on the process may be phoned to Susan Feuerherm at 651-266-8908.

### University of Minnesota

#### Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Requests for Bids/Proposals through its fax back Bid Information Service (BIS). Subscriptions to BIS are \$75/per fiscal year (not prorated). Call 612-625-5534 for information or visit our web site at <http://purchserv.finop.umn.edu>. Choose BID Information Service.

Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. - 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls, MN 55454.

# Non-State Public Bids, Contracts & Grants

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## University of Minnesota

### Facilities Management Purchasing Services

#### Notice of Request for Bids for a New, Below Grade, Parking Ramp on the East Bank of the Twin Cities Campus

##### For pre-qualified contractors only

Advertisement for Bids - Document 00100 - The University of Minnesota is requesting bids for a new below grade parking ramp located on the East Bank of the Twin Cities Campus.

The Work shall be completed within 47 calendar days after Notice to Proceed.

Bidding will close 2:00 p.m., local time, Tuesday, July 13, 1999.

The Regents of the University of Minnesota will accept Bids at Facilities Management Purchasing Services, 400 Donhowe Building, 319 - 15th Avenue SE, Minneapolis, Minnesota 55455, until the scheduled time, when they will be publicly opened and read aloud.

Prospective Bidders may examine the Bidding Documents at:

- Ellerbe Becket, 800 LaSalle Avenue, Minneapolis, MN 55401
- University of Minnesota, Facilities Management Purchasing Services, 400 Donhowe Building, 319 - 15th Avenue SE, Minneapolis, Minnesota 55455
- Builder's Exchange of St. Paul, 445 Farrington Street, St. Paul, Minnesota 55103
- Minneapolis Builder's Exchange, 1123 Glenwood Avenue, Minneapolis, Minnesota 55404
- Construction Bulletin, 8401 - 73rd Avenue N., Minneapolis, Minnesota 55428
- Dodge Plan Room, 7600 Parklawn Avenue., Suite 352, Edina, Minnesota 55435
- NAMC Upper Midwest, 4248 Park Glen Road, Minneapolis, Minnesota 55416

Copies of the Bidding Documents may be obtained from the Architect by following the instructions to Bidders, and upon making payment by check in the amount of \$25.00 per set of bid documents payable to the Architect.

Direct communications regarding this subject to the Architect's Project Manager, Randy Bolduc, phone 612-376-2008.

Each prime and subcontract bid shall be accompanied by a bid security of 5% of the maximum amount of the bid; submit in the form of a Surety Bond, certified check, cashier's check.

The successful bidder shall furnish Performance and Payment Bonds in the full amount of the contract.

The University reserves the right to reject any and all bids, accept any bid, waive informalities in bids submitted, and waive minor discrepancies in bidding procedures, as it deems to be in its best interest.

The University of Minnesota complies with Equal Employment Opportunity and Affirmative Action Policies for contractors and suppliers.

Questions concerning the Targeted Business and Urban Community Economic Development Programs should be directed to D. Craig Taylor, Director of Community & Economic Development, University of Minnesota, Twin Cities Campus, 419 Morrill Hall, 100 Church Street, Minneapolis, Minnesota 55454, phone 612-626-9151 or 612-624-9547; FAX 612-624-5223.

Bid result information may be obtained via fax by faxing a request to 612-624-5796.

##### **Pre-bid access to the work site is limited to specific times and date:**

Wednesday, June 30, 1999 at 9:00 am

Thursday, July 1, 1999 at 9:00 am

Regents of the University of Minnesota

By: Denis Larson  
Facilities Management Purchasing Manager

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