

Minnesota State Register

Published every Monday (Tuesday when Monday is a holiday)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;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

**Monday 20 March 2017
Volume 41, Number 38
Pages 1095 - 1150**

Minnesota State Register

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

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

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- Withdrawn Rules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

Printing Schedule and Submission Deadlines

Vol. 41 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)	Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical- Consulting Contracts, Non-State Bids and Public Contracts	Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)
# 39	Monday 27 March	Noon Tuesday 21 March	Noon Thursday 16 March
# 40	Monday 3 April	Noon Tuesday 28 March	Noon Thursday 23 March
# 41	Monday 10 April	Noon Tuesday 4 April	Noon Thursday 30 March
# 42	Monday 17 April	Noon Tuesday 11 April	Noon Thursday 6 April

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Federal Register

Office of the Federal Register (202) 512-1530; or (888) 293-6498
U.S. Government Printing Office – Fax: (202) 512-1262
http://www.access.gpo.gov/su_docs/aces/aces140.html

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Minnesota Rules: Amendments and Additions

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

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

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

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

The State Register features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive (issue #26 cumulative for issues #1-26); issues #27-38 inclusive (issue #39, cumulative for issues #1-39); issues #40-52 inclusive, with final index (#1-52, or 53 in some years). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the State Register, contact Minnesota's Bookstore, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155, phone: (612) 297-3000, or toll-free 1-800-657-3757. TTY relay service phone number: (800) 627-3529.

Volume 41 - Minnesota Rules

(Rules Appearing in Vol. 41 Issues #1-26 are in Vol 41, #26 - Tuesday 27 December 2016)

Volume 41, #38

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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 §§ 14.1414.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

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

Minnesota Racing Commission

REVISED: Proposed Permanent Rules Relating to Horse Racing; Medical Violations; Stewards; Races; and Disciplinary Action; Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendments to Rules Governing Horse Racing, Minnesota Rules, Chapter 7869 Definitions; Chapter 7871 Televised Racing Days; Chapter 7879 Stewards; Chapter 7883 Horse Races; Chapter 7884 Harness Races; Chapter 7890 Horse Medication; Chapter 7897 Prohibited Acts; and repeal of Part 7869.0100, subpart 57.

Revisor's ID Number RD4394

Introduction. The Minnesota Racing Commission intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until **4:30 p.m. on April 19, 2017**.

Agency Contact Person.

Patricia M. Sifferle
Minnesota Racing Commission
15201 Zurich Street, Suite 212
Columbus, MN 55025

Phone 651-925-3956
FAX 952-496-7954

E-mail patricia.m.sifferle@state.mn.us

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TTY users may call the Racing Commission at 800-627-3529.

You may also review the rules and the Statement of Need and Reasonableness, and submit written comments via the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/>.

Subject of Rules. The proposed rule amendments seek to update, simplify and clarify existing rules, as well as to make rules more consistent with those in other states and national model rules. Several national model rules are being specifically incorporated by reference. A new rule is being added to address how racing stewards will penalize horses that go inside the pylons that mark the inside boundary of a harness race track. Criteria are being simplified for determining whether violations are serious, and language is being added to require that the same criteria must be considered in determining the amount of any fine. The maximum fines are being raised in order to make Minnesota penalties more consistent with those in other states and national model rules. The proposed rule contains edits or additions to the following specific parts or subparts:

Parts 7869.0100 subp. 32; 7869.0100, subp. 32b; 7869.0100, subp. 57; 7869.0200, subp. 1; 7869.0200, subp. 2-3; 7871.0010; 7879.0200, subp. 1; 7879.0200, subp. 2; 7879.0200, subp. 3; 7883.0100, subp. 1; 7883.0100, subp. 2; 7883.0100, subp. 6; 7883.0100, subp. 7; 7883.0100, subp. 11; 7883.0100, subp. 16; 7883.0140, subp. 15; 7883.0140, subp. 22; 7884.0230; 7884.0260, subp. 10; 7884.0260, subp. 11; 7890.0110, subp. 9-10; 7897.0120, subp. 1; 7897.0120, subp. 3; 7897.0130, subp. 3; 7897.0130, subp. 4; 7897.0130, subp. 5; 7897.0130, subp. 6 and 7897.0150, subp. 2.

Statutory Authority. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 240.03, 240.23 and 240.24. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. A free copy of the rules is available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on April 19, 2017 to submit written comments in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comments must be in writing and the agency contact person must receive them by the due date. You may also submit comments, and review all comments at the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/>. Comments submitted on this site must be submitted by the due date. The Commission encourages comment. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. You must also make any comments about the legality of the proposed rules during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Commission hold a hearing on the rules. Your request must be in writing and the agency contact person must receive it by 4:30 p.m. on April 19, 2017. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Modifications. The Commission may modify the proposed rules as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Commission encourages you to participate in the rulemaking process.

Statement of Need and Reasonableness. The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review it or obtain copies for the cost of re-

Proposed Rules

production by contacting the agency contact person. The statement of need and reasonableness may be viewed on our web site at www.mrc.state.mn.us and on the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/>.

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

Adoption and Review of Rules. If no hearing is required, the agency may adopt the rules after the end of the comment period. The agency will then submit the rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the Commission submits the rules 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.

Date: 3-13-17

Tom DiPasquale
Executive Director
Minnesota Racing Commission

7869.0100 DEFINITIONS.

[For text of subps 1 to 31, see M.R.]

Subp. 32. **Horse.** “Horse” includes filly, mare, colt, horse, gelding, and ridgling. Horse does not mean a cloned horse or offspring of a cloned horse regardless of whether any breed association or registry has registered the horse. A cloned horse is one born as a result of the genetic material of an unfertilized egg or embryo being modified by any means.

[For text of subp 32a, see M.R.]

Subp. 32b. **Lapped on.** “Lapped on” means any part of a trailing horse is at least even with the offending horse’s hindquarters at the finish.

[For text of subps 33 to 56, see M.R.]

Subp. 57. [See repealer.]

[For text of subps 57a to 69, see M.R.]

7869.0200 INCORPORATION BY REFERENCE.

Subpart 1. **United States Trotting Association.** For the purposes of chapters 7869 to 7899, ~~Rule 10 and Rule Rules 11, 17, and 18.25, of the Charter, Bylaws, Rules and Regulations of the United States Trotting Association (USTA), (2006), 750 Michigan Avenue, Columbus, Ohio, 43215,~~ are incorporated by reference. The USTA Charter, Bylaws, Rules and Regulations are subject to frequent change and are available to the public free of charge at the State Law Library, on the Minnesota Racing Commission Web site, and at <http://www.ustrotting.com> on the United States Trotting Association Web site.

Subp. 2. **Association of Racing Commissioners International.**

A. For the purposes of chapters 7869 to 7899, the Association of Racing Commissioners International (ARCI) Endogenous, Dietary, or Environmental Substances Schedule is incorporated by reference. The ARCI Endogenous, Dietary, or Environmental Substances Schedule is subject to frequent change and is available to the public free of charge at the State Law Library, on the Minnesota Racing Commission Web site, and through ARCI.

B. For the purposes of chapters 7869 to 7899, the Association of Racing Commissioners International (ARCI) Controlled Therapeutic Medication Schedule for Horses is incorporated by reference. The ARCI Controlled Therapeutic Medication Schedule for Horses is subject to frequent change and is available to the public free of charge at the State Law Library, on the Minnesota Racing Commission Web site, and through ARCI.

C. For the purposes of chapters 7869 to 7899, except as limited by part 7897.0130, subpart 5, the Association of Racing

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Commissioners International (ARCI) Uniform Classification Guidelines for Foreign Substances and Recommended Penalties are incorporated by reference. These guidelines and recommended penalties are subject to frequent change and are available to the public free of charge at the State Law Library, on the Minnesota Racing Commission Web site, and through ARCI.

Subp. 3. **Alteration or amendment.** Any alteration or amendment to rules incorporated by reference becomes effective in Minnesota 30 days after adoption and approval by the Minnesota Racing Commission unless the Minnesota Racing Commission opts out of implementing the change.

7871.0010 APPLICATION FOR PARI-MUTUEL POOLS.

Subpart 1. **Submission of pari-mutuel requests.** A class B licensee may apply for approval of pari-mutuel pools including rules governing calculation of payoffs, disposition of unclaimed tickets, pools offered based on the number of entries, prevention and failure to start, and scratches in effect at the host racetrack by submitting an original and 15 copies of the following:

- A. a signed request for approval of pari-mutuel pools; and
- B. a copy of the administrative rules for pari-mutuel pools in the states in which the host racetracks are located;
- C. a detailed statement of how the request meets each of the criteria in part 7871.0020, subpart 2; and
- ~~D. B.~~ any other documentation the commission considers necessary to ensure a complete understanding of the request.

[For text of subs 2 to 4, see M.R.]

7879.0200 AUTHORITY AND DUTIES OF STEWARDS.

Subpart 1. **General authority of stewards.** The stewards shall exercise immediate supervision, control, and regulation of racing at each licensed race meeting on behalf of the commission and shall be responsible only to the commission. The powers of the stewards shall include:

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

L. for a period of 90 days after the conclusion of a race meeting at a licensed facility or a county fair meet, jurisdiction to hold hearings and take action with regard to any aspect of racing at the meet shall continue with the board of stewards or, if considered by the commission to be more practical or convenient for the parties concerned, may be exercised by a single knowledgeable person designated by the commission. Any person acting in lieu of the board of stewards under this part shall have all of the authority granted to the board of stewards under part 7879.0200 or any other applicable rule. A person may appeal from any action taken, in the same manner as an appeal may be taken from a steward's hearing.

Subp. 2. **Specific duties and responsibilities of stewards.** In addition to the duties and responsibilities necessary and pertinent to general supervision, control, and regulation of race meetings, and without limiting the authority of the stewards to perform those and all other duties listed in this part, the stewards shall have the following specific duties and responsibilities:

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

D. To review applications for Class C licenses and administer, or cause to be administered by technically qualified persons, standard examinations to all first-time applicants for a trainer, jockey, apprentice jockey, driver, or farrier license, and to make recommendations to the commission through the executive director as to the qualifications of all applicants for Class C licenses. The stewards shall not administer, or cause to be administered, examinations for first-time applicants for a trainer's license after the midpoint of any race meeting is reached.

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

Subp. 3. **Criteria and bases for stewards' decisions.**

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

B. When making a determination or recommendation regarding the qualifications of an applicant for a Class C license, the stewards shall consider the following factors:

(1) ~~whether the applicant's ability is sufficient so as to not endanger the life or safety of the applicant, other participants, racetrack patrons, horses, or property;~~

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- (2) whether the applicant is able to perform in a competitive manner so as to enhance the quality of horse racing;
- (3) whether the applicant's ability and/or qualifications are at least equal to those of current licensees; and
- (1) whether the applicant meets the licensing criteria set forth in chapter 7877 and Minnesota Statutes, chapter 240; and
- (4) (2) any other relevant factors which may affect the integrity of horse racing, or the public health, safety, or welfare of persons and animals so long as these same factors are applied uniformly to all applicants for Class C licenses, and safety within Minnesota.

7883.0100 ENTRIES AND SUBSCRIPTIONS.

Subpart 1. **Ownership.** When a person is excluded from a racetrack or ~~has his or her~~ the person's license is denied, revoked, or suspended, every horse owned in whole or in part or under the care and control of that person shall be ineligible to be entered or start in any race until the horse has been reinstated, either by the expiration of the owner's penalty or by the transfer through bona fide sale to an owner approved by the stewards. Such person whether acting as agent or otherwise, shall not be qualified to subscribe for, or to enter or run any horse in any race either in his or her own name or in that of any other person until expiration of such penalty.

Subp. 2. **Horse must be registered and eligible.** No horse shall be permitted to start unless:

A. it is duly registered with and approved by the registry office of The Jockey Club (~~New York~~), the American Quarter Horse Association, the Arabian Horse Registry of America, Inc., or ~~the another~~ another nationally recognized registration organization ~~relative to other breeds~~ breed registry;

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

[For text of subs 3 to 5, see M.R.]

Subp. 6. **Prohibited entries.** No person shall:

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

D. enter in a race a horse if it is wholly; or partly owned by, trained by, or under the management of an unlicensed person, a person whose license is under suspension, a person whose license has been revoked or denied and has not been reinstated at the time of entry, or a person who acts in concert with or under the control of such a person whose license is under suspension. If any an entry from an unlicensed person or a person whose license is under suspension or of an ineligible horse any such person is received, the entry shall be void and any money paid for the entry to make the horse eligible for the race shall be paid to the winner. An entry may be taken from a person whose license is under suspension in any racing jurisdiction if the term of the suspension has ended prior to the day of the race for which the entry was made and any other requirements associated with the suspension have been satisfied prior to the entry;

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

Subp. 7. **Coupled entries.** Except in stakes races and races which are conditioned for horses eligible for specified stakes, not more than two horses of the same licensed ownership or interest shall be entered and started in a race.

A. No trainer shall enter more than ~~four~~ three horses in an overnight event except in split races.

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

[For text of subs 8 to 10, see M.R.]

Subp. 11. **Drawing of entries.** The drawing of entries for post positions shall be governed by the following procedures.

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

B. Each day after the entries have been closed, the racing secretary shall designate from ~~an owner or trainer~~ among those licensees present in the entry office a person to draw the entry sheets and a person to shake the post position numbers out of the container. In every case, the entry shall be drawn from its approved receptacle before the number ball is released from the ~~number box container~~.

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

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[For text of subps 12 to 15a, see M.R.]

Subp. 16. **Workout requirements.** In order to be eligible:

A. ~~A thoroughbred horse which that~~ has not started for a period of ~~45 46~~ days or more ~~shall is not be~~ eligible to start until it has completed one timed workout within 45 days of and no less than 48 hours prior to the race in which it is entered. A thoroughbred horse that has not started for a period of 61 days or more is not eligible to start until it has completed two timed workouts within 60 days and no less than 48 hours before the race in which it is entered. Any day of entry workout following the entry of a horse shall appear on the official daily racing program or shall be posted for the public.

B. A quarter horse that has not started for a period of 61 days or more is not eligible to start until it has completed one timed workout within 60 days of and no less than 48 hours before the race in which it is entered. Any workout following the entry of a horse must appear on the official or daily racing program or must be posted for the public.

~~B: A horse which has not started for a period of 60 days or more shall not be eligible to start until it has completed two timed workouts within 60 days of and no less than 48 hours prior to the race in which it is entered.~~

C. First-time starters must have gate approval and a minimum of two timed workouts, one of which must be out of the gate, within 60 days prior to the race in which it is entered.

D. A horse, other than a first-time starter, which has not started for a period of one year or more shall not be eligible to start until it has completed three timed workouts, at least one of which must be before a commission veterinarian. The timed workout before a commission veterinarian must occur within 30 days and no less than 48 hours prior to the race for which the horse is entered.

E. For all county fairs in which the average daily handle for the preceding year was less than \$150,000 all workout requirements shall be waived except that in the case of a horse that has not started for a period of one year, the owner or trainer must contact the commission veterinarian prior to entry for an examination and workout as determined by the commission veterinarian.

For the purposes of items D and E and removing a horse from the stewards' list, all workouts must be conducted under the same medication requirements as those for race days.

[For text of subps 17 and 18, see M.R.]

7883.0140 CLAIMING RACES.

[For text of subps 1 to 14, see M.R.]

Subp. 15. **Protest of claim.** ~~Not later than the next racing day after the race was run, a written protest of a claim may be submitted to the stewards who shall investigate the matter as quickly as possible. In the event that a stewards' ruling is issued concerning a medication violation discovered through postrace drug testing of a claimed horse, a written protest of a claim may be submitted to the stewards within 24 hours of the posting of a ruling; however, a claimant may submit a written protest of a claim within 24 hours of the receipt of notification from the stewards of such a ruling.~~

A. Except for protests involving medication violations in item B, a written protest of a claim that states the basis of the protest must be submitted to the stewards not later than the next racing day after the race was run. The stewards shall investigate the matter as soon as reasonably possible and determine the validity of the protest.

B. A postrace test shall be conducted on any claimed horse in compliance with chapter 7890. The claimant may request voidance of the claim if the initial forensic analysis of the test sample demonstrates a medication violation under chapter 7890. Upon receipt of notification from the commission veterinarian of a medication violation involving a claimed horse, the stewards shall immediately notify the successful claimant who shall then have 72 hours to decide whether to keep the horse or request that the claim be voided.

C. When a request is made to void any claim under item A or B, the successful claimant is responsible for all expenses incurred for the care of the claimed horse from the time the horse is transferred to the claimant until the time the horse is ordered returned to the prior owner following voidance of the claim by the stewards in accordance with this rule.

D. Voidance of a claim is not an option if, after coming under the care, custody, and control of the claimant, the horse has

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already run for the claimant or has died.

[For text of subps 16 to 21, see M.R.]

Subp. 22. **Claimed horse shall race at track claimed.** No claimed horse shall race at any other racetrack until after the close of the race meeting at which it was claimed, the last scheduled overnight race for that breed at the meet has been drawn or for 60 days, whichever is shorter, except to fulfill one or more stakes engagements or by request of the association's racing secretary and with written approval of the stewards.

[For text of subps 23 to 31, see M.R.]

7884.0230 RACING EQUIPMENT.

Subpart 1. **Sulkies.** Sulkies will be permitted only if they are of the conventional dual-shaft and dual-hitch type as follows: must meet the requirements described in United States Trotting Association, rule 18.25.

A. they have two shafts that are parallel to, and securely hitched on each side of the horse;

B. no point of a hitch and no part of a shaft of the sulky is above a horizontal level equal to the lowest point of the horse's back;

C. they are equipped with mud guards when so required by the stewards; and

D. they are equipped with plastic wheel discs on the inside and outside of each wheel with such discs being either clear or of a solid pastel color.

[For text of subps 2 to 7, see M.R.]

7884.0260 DRIVING RULES.

[For text of subps 1 to 9, see M.R.]

Subp. 10. **Stewards to determine extent of violation.** The stewards shall determine the extent of the alleged violation and may place the offending horse either behind the horses that in their judgment were interfered with, or last in the field. The stewards' discretion applies to all placings and their determination is final.

Subp. 11. Pylon rule for horses racing without interference.

A. Any horse gaining an unfair advantage by going inside, over, or between one or more pylons in order to pass another competitor may be disqualified at the discretion of the stewards, whose determination is final.

B. Any horse going inside two pylons shall be disqualified and placed behind any lapped on horse in the official order of finish.

C. Any horse going inside three or more consecutive pylons shall be disqualified and placed last.

7890.0110 MEDICATIONS AND PRACTICES PROHIBITED.

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

Subp. 9. **Endogenous, dietary, and environmental substances.** No endogenous, dietary, or environmental substances other than those listed below shall be allowed in the test sample of a horse. Levels shall not exceed the limits found in the Racing Commissioners International Endogenous, Dietary, or Environmental Substances Schedule, RCI Chapter 11 and Chapter 25, which is incorporated by reference. The Racing Commissioners International Schedule of feed contaminants are subject to change and are available to the public free of charge at the State Law Library, on the MRC Web site, and at http://www.us-rtip.org/industry_service/download_model_rules. The level for cobalt is 25 ppb until the Racing Commissioners International has established levels in the schedule of feed contaminants.

Subp. 10. **Medications with regulatory limits.** No medications other than those listed in this subpart or found in part 7890.0100, subpart 13, items A to D, shall be allowed in the test sample of a horse. Serum or urine thresholds on the following medications shall not exceed those found in the Association of Racing Commissioners International Schedule of Controlled Therapeutic Substances, RCI Chapter 11 and Chapter 25 Medication Schedule for Horses, which is incorporated by reference.

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The Racing Commissioners International Schedule of Controlled Therapeutic Substances are subject to frequent change and are available to the public free of charge at the State Law Library, on the MRC Web site, and at http://www.ua-rtip.org/industry_service/download_model_rules.

[For text of subps 11 and 12, see M.R.]

7897.0120 DISCIPLINARY SANCTIONS.

Subpart 1. **Licenses Sanctions.** Any licensee person engaging in any prohibited act as provided in parts 7897.0100 to 7897.0115 is subject to license suspension or revocation, and/or the levying of a fine as provided in part 7897.0130 and such other sanctions or restrictions as the commission reasonably deems necessary to carry out its duties under Minnesota Statutes, section 240.03.

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

Subp. 3. **Reciprocity of rulings.** The commission, its designee, or the stewards may deny, suspend, or revoke a Class C license if it is found that the applicant or licensee, or any person who is an agent, employee, or associate of such applicant or licensee:

A. is presently under suspension or his or her license has been denied or revoked for any reason by a legally constituted racing commission or gaming authority of another jurisdiction; or

B. becomes suspended or has his or her license denied or revoked for any reason by a legally constituted racing commission or gaming authority of another jurisdiction while such licensee is participating in racing licensed in Minnesota.

Before considering a licensee for reinstatement in Minnesota or granting a license to an applicant, the commission or its designee, or stewards shall require such licensee to obtain reinstatement in the original racing jurisdiction where his or her license was denied, suspended, or revoked, and to establish his or her fitness to be reinstated in Minnesota.

7897.0130 SCHEDULE OF FINES.

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

Subp. 3. **Assignment of categories and determination of fine amount.** In assigning a particular violation to a category, and in determining the amount of the fine for any violation, the commission or stewards shall consider the following factors:

A. inherent severity of the conduct as indicated by the potential harm to person, property the potential or actual harm to persons, property, or the integrity of racing;

B. the culpability of the violator;

C. the frequency of the violator's failure to comply with law or rule; and

D. actual harm caused to person, property, or the integrity of racing; and

E. D. any other factors related to the seriousness of violations which the commission or stewards deem crucial to assignment as long as the same factors are considered with regard to all violators. The commission or stewards, in making a determination, shall consider both the number of factors applicable to a violation and the degree to which each applies the health, safety, and welfare of participants in racing or the integrity of pari-mutuel racing in Minnesota.

Subp. 4. **Serious violations.** Violations of Minnesota Statutes, section 240.25, misrepresentation of the identity of a horse, possession of a firearm in violation of state law, and setting or attempting to set a fire on the racetrack premises, and any violation involving a substance defined by the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances as a Class 1 foreign substance shall be deemed per se serious violations.

Subp. 5. **Amount of fines.** The fine for a serious violation of law or rule shall be \$500 to \$5,000 at least \$1,000 and up to \$10,000 for a first serious violation; up to \$25,000 for a second serious violation; or up to \$50,000 for a third serious violation. The fine for other violations shall not exceed \$499 \$999. The commission may impose a fine in excess of \$5,000 but no more than \$200,000 against a Class A, B, or D licensee as necessary to enforce parts 7870.0430, 7870.0450 to 7870.0470, or 7870.0500.

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Subp. 6. **Timetable for paying fines.** All fines imposed by the stewards or commission must be paid within 72 hours of the date of the ruling imposing the fine. Failure to pay the fine within the required time is grounds for suspension, an additional fine, and such other sanctions and restrictions as the commission, its designee, or the stewards reasonably deem necessary. The commission shall designate one or more employees responsible for collecting fines and they shall notify the stewards and executive director of delinquent fines.

7897.0150 DISCIPLINARY AND APPEAL PROCEDURES.

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

Subp. 2. Penalties imposed by stewards.

A. The stewards may suspend the license of the holder a license up to 90 days or impose a fine of up to \$2,000 \$5,000 in accordance with the schedule of fines in part 7897.0130 or both; or in addition, they may order any other appropriate disciplinary or corrective action. The stewards may also make recommendations to the commission for penalties in excess of their authority.

B. Upon a finding of a violation of chapter 7890, the stewards shall consider the classification and penalty category of the substance at the time of the violation as referenced in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances and Recommended Penalties, as well as any existing mitigating or aggravating factors, and shall impose penalties and disciplinary measures consistent with the recommendations contained therein except as limited by part 7897.0130, subpart 5.

C. Mitigating or aggravating factors must be shown by a preponderance of evidence that the circumstances were actually present in the instant case. Mere speculation that the circumstances might have been present is not sufficient proof.

For purposes of this subpart, mitigating factors are conditions or circumstances that do not excuse or justify wrongful conduct, but are considered out of fairness in deciding to reduce a penalty.

For purposes of this subpart, aggravating factors are conditions or circumstances that permit a harsher penalty to be imposed but do not permit a penalty to be imposed greater than that allowed under the law or rule.

[For text of subs 3 to 9, see M.R.]

REPEALER. Minnesota Rules, part 7869.0100, subpart 57, is repealed.

Minnesota Racing Commission

REVISED: Proposed Permanent Rules Relating to Horse Racing; Nonmedication; Pari-Mutuel Pools; Class C Licenses; Stewards; Races; Harness Races; Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Revisor's ID Number RD4443

Possible Amendment to Rules Governing Horse Racing, Minnesota Rules, Parts 7869 Definitions; 7870 Licensure; 7871 Televised Racing Days; 7873 Pari-Mutuel Rules; 7874 Reporting Payments; 7875 Facilities and Equipment; 7876 Stabling; 7877 Class C Licenses; 7878 Security Officers; 7883 TB/QH Horse Races; 7884 Harness Races; 7890 Stewards; 7892 Medical Testing; 7895 Breeders' Fund; and 7899 Variances

The Minnesota Racing Commission intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until **4:30 p.m. April 19, 2017**.

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Agency Contact Person.

Patricia M. Sifferle
Minnesota Racing Commission
15201 Zurich Street, Suite 212
Columbus, MN 55025

Phone 651-925-3956

FAX 952-496-7954

E-mail patricia.m.sifferle@state.mn.us

TTY users may call the Racing Commission at 800-627-3529.

You may also review the rules and the Statement of Need and Reasonableness, and submit written comments via the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/>.

Subject of Rules. The proposed rule amendments seek to update, simplify and clarify existing rules, as well as to make rules more consistent with those in other states and national model rules. Several obsolete rules are being repealed. A new rule is being added to allow for a “grand slam” horizontal wager. An exempt rule adopted in 2016 relating to outbreaks of infectious diseases is being made permanent.

The proposed rules contain edits or additions to the following specific parts or subparts of Minnesota Rules:

Part 7869.0100, Subparts 26, 41a, and 63; part 7870.0150; part 7871.0020; part 7871.0070; part 7871.0080; part 7871.0090; part 7871.0120; part 7871.0130; part 7871.0140; part 7871.0150, subpart 2a; 7873.0110, subparts 1-4; 7873.0185, subpart 8; part 7873.0187; part 7873.0188, subpart 8; part 7873.0230; part 7874.0100, subparts 1-2; part 7875.0200, subparts 1 and 4; part 7876.0130; part 7877.0110, subpart 4; part 7877.0170, subparts 1-3 and 11; part 7877.0175, subparts 4-5 and 8; part 7878.0140, subparts 1-2; part 7883.0100, subpart 16; part 7883.0140, subparts 8, 12 and 32; part 7883.0160, subparts 6, 6a and 14; part 7884.0230, subparts 3 and 3a; part 7884.0270; part 7890.0100, subparts 3b, 13 and 13b; part 7890.0110, subpart 3; part 7890.0130 subpart 1; part 7892.0120, subpart 1; part 7895.0275, subpart 2; part 7897.0100, subpart 20; and part 7899.

Statutory Authority. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 240.03, 240.23 and 240.24. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. A free copy of the rules is available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on April 19, 2017 to submit written comments in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comments must be in writing and the agency contact person must receive them by the due date. You may also submit comments, and review all comments at the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/>. Comments submitted on this site must be submitted by the due date. The Commission encourages comment. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. You must also make any comments about the legality of the proposed rules during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Commission hold a hearing on the rules. Your request must be in writing and the agency contact person must receive it by 4:30 p.m. on April 19, 2017. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print,

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braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Modifications. The Commission may modify the proposed rules as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Commission encourages you to participate in the rulemaking process.

Statement of Need and Reasonableness. The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review it or obtain copies for the cost of reproduction by contacting the agency contact person. The statement of need and reasonableness may be viewed on our web site at www.mrc.state.mn.us and on the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/>.

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

Adoption and Review of Rules. If no hearing is required, the agency may adopt the rules after the end of the comment period. The agency will then submit the rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the Commission submits the rules 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.

Date: 3-13-17

Tom DiPasquale
Executive Director
Minnesota Racing Commission

7869.0100 DEFINITIONS.

[For text of subps 1 to 25, see M.R.]

Subp. 26. **Field.** “Field” means, ~~according to its context, either:~~

~~A: the entire group of horses in a race; or~~

~~B: the highest numbered horse within the capacity of the totalizator, and all horses of a higher number grouped together for wagering purposes.~~

[For text of subps 27 to 41, see M.R.]

Subp. 41a. **Official timed workout.** “Official timed workout” means a timed workout required and supervised by a commission veterinarian.

[For text of subps 42 to 62, see M.R.]

Subp. 63. **Supplemental fee.** “Supplemental fee” means a fee set by the association that ~~must~~ may be required to be paid at a prescribed time to make a horse eligible for a stakes race.

[For text of subps 64 to 69, see M.R.]

7871.0070 INFORMATION WINDOW.

Each association shall provide at least one information or complaint window where complaints may be made by members of the public. ~~Complaint forms must include the name, address, and telephone number of the complainant, the date and nature of the complaint, and the department or persons with whom the complaint was made. When a patron makes a complaint, the association shall forward a copy of the complaint along with the action or proposed action taken, if any, to the commission staff within 48 hours of the complaint.~~ A current set of all Minnesota commission rules regarding pari-mutuel wagering shall be available for public inspection during racing hours at every such window.

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7871.0150 EMERGENCY PROCEDURES WHEN POOLS ARE COMMINGLED AT THE CLASS A FACILITY OR AT AN ALTERNATIVE FACILITY.

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

Subp. 2a. **Wagering interface interruption when Class A facility is host racetrack.** If the host mutuel manager determines that a guest track has not transmitted its pools to the host track in a timely manner or if a manual merge otherwise jeopardizes the integrity of the host track's pools, or delays the host track's program, or a manual merge is attempted and failed, the guest track must be excluded from the wagering pools. In the event of a manual merge:

A: The guest tote system operator must inform the host tote system operator of the total amount in the pool, the total dollars on winning wagers, and the total dollars on the losing wagers in the pool. The guest tote system operator shall send that information via a facsimile machine to the host tote system.

B: The stewards at the host racetrack must be notified when the procedure has been completed in order to declare the race official.

C: The licensee's tote system representative shall prepare a report indicating that the transfer of data could not be completed electronically and that the pools were merged manually. The report shall also include the following:

(1) a copy of the pool print report prior to the failure of the transfer of data;

(2) a copy of the final pool print report;

(3) a brief statement as to where the failure occurred, when the stewards were notified, and for what time period were prices delayed; and

(4) a worksheet from the host track signed by the host tote system representative, the host mutuel manager, and the state representative from the host's state racing commission showing total dollars bet in each pool and the final prices.

[For text of subps 3 to 5, see M.R.]

7873.0110 APPROVAL OF PARI-MUTUEL POOLS.

Subpart 1. **Request.** Upon written request of a Class B or D licensee, or on its own motion, the commission may approve pari-mutuel pools, including types of betting, number and placement of multiple pools in racing programs, and other issues related to pari-mutuel pools which that promote the purposes of Minnesota Statutes, chapter 240, and the rules of the commission.

Subp. 2. **Basis for approving pari-mutuel pools.** When considering a request for approval of pari-mutuel pools, the commission must consider the success and integrity of racing; the public health, safety, and welfare; and the public interest, necessity, and convenience; as well as the following factors:

A: the integrity of the licensee;

B: the financial strength of the licensee;

C: the ability of the licensee to operate a racetrack and conduct horse racing, including licensee's facilities, systems, policymakers, managers, and personnel;

D: past compliance of the licensee with statutes, rules, and orders regarding pari-mutuel horse racing;

E: the licensee's market, including area, population, and demographics;

F: the performance of the racetrack with previously approved pari-mutuel pools;

G: the impact approving the pari-mutuel pool will have on the economic viability of the racetrack, including attendance and pari-mutuel handle;

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H: the quantity and quality of economic activity and employment generated;

I: state tax revenues from racing and related economic activity;

J: the entertainment and recreation opportunities for Minnesota citizens;

K: the variety of racing;

L: the quality of racing;

M: the availability and quality of horses;

N: the development of horse racing;

O: the quality of racetrack facilities;

P: security;

Q: purses;

R: benefits to Minnesota breeders and horse owners;

S: competition among racetracks and with other providers of entertainment and recreation as well as its effects;

T: the social effects;

U: community and government support;

V: sentiment of horsepersons; and

W: any factors related to pari-mutuel pools which the commission deems crucial to its decision-making, as long as the same factors are considered with regard to all racetracks.

Subp. 3. **Live racing days; director of pari-mutuel racing authority.** ~~The~~ Upon request from an association's director of pari-mutuel racing or, the commission's director of pari-mutuels is delegated the authority to approve variation and changes in the pari-mutuel pools previously approved by the commission, placement of pools in the program, and simulcasts requested by the licensee that meet the criteria in subpart 2. The director of pari-mutuel racing or the commission's director of pari-mutuels is delegated the authority to approve changes in the placement of pari-mutuel pools in the program, the addition of approved pari-mutuel pools to the program, and changes in simulcasting requests by the licensee that meet the criteria in subpart 2. Before approving a change in the pick-six a pick (n) pool, the director of pari-mutuel racing or the commission's director of pari-mutuels must consult with the commission's ~~deputy or executive committee director.~~

Subp. 4. **Additional money added.** ~~With the approval of the commission~~ commission's executive director or deputy director, the association may guarantee a minimum payout in any pari-mutuel pool. If the guaranteed payout exceeds the amount available for distribution from the amounts wagered, the association shall provide the difference by paying the holders of any winning ticket designating the official winners in the pool.

7873.0187 GRAND SLAM.

Subpart 1. **Scope.** The grand slam is a form of pari-mutuel wagering that requires the selection of the official first-, second-, or third-place finisher in each of the first three races in a series of four designated grand slam races in a single day. A completed winning grand slam wager requires the selection of the official first place finisher in the fourth and final event in the same series of races.

Subp. 2. **Price of tickets.** Grand slam tickets must be sold singly in not less than 50-cent denominations.

Subp. 3. **Ticket is evidence of binding contract.** A grand slam ticket shall be evidence of a binding contract between the

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holder of the ticket and the racing association and the ticket shall constitute an acceptance of the grand slam wager provisions and rules.

Subp. 4. **Scratches.** If a designated grand slam selection is scratched or declared a nonstarter, the actual favorite as evidenced by the amounts wagered in the win pool at the time wagering closes will be substituted for the nonstarting selection.

Subp. 5. **Calculation of pool.** The net grand slam pool shall be distributed from a single betting pool to participants who selected the first-, second-, or third-place finisher in the first three races of a series of four grand slam races completing a winning wager with the selection of the first place finisher in the fourth and final grand slam event in the same series, based upon the official order of finish. If there are no winning wagers taking into account all four segments of the grand slam wager, then the pool shall be distributed as a single betting pool to those who selected the first place finisher in the fourth and final grand slam event in this series of races along with the greatest number of first-, second-, or third-place finishes, each of which had an accompanying show pari-mutuel payout, in each of the first three races in the series of four grand slam designated races.

Subp. 6. **Dead heats for first in any of grand slam races.** If two or more betting interests dead heat for first in any of the selected grand slam races, the grand slam pool shall be distributed from a single betting pool with a winning wager including each betting interest participating in the dead heat provided each entrant has a pari-mutuel show payout within its race.

Subp. 7. **Dead heats for second or third in any of first three races in a series of four designated grand slam contests.** If two or more betting interests dead heat for second or third, then the grand slam pool shall be distributed from a single betting pool with a winning wager, including the betting interest that finished first or any betting interest involved in the dead heat for second or third, providing the horse has a show pari-mutuel payout.

Subp. 8. **Cancellation of grand slam.** If at least two contests included as part of a grand slam wager are canceled, declared “no contest,” or scratched down to fewer than five betting interests following the start of the day’s racecard, then the grand slam pool shall be canceled and all grand slam wagers for the individual performance shall be refunded.

Subp. 9. **Single race canceled or declared no contest.** If at least one race included as part of a grand slam wager is canceled, declared “no contest,” or scratched down to fewer than five betting interests following the start of the day’s racecard, then the net pool shall be distributed from a single betting pool to those bettors whose selections finished first, second, or third in the greatest number of grand slam contests in the first three races in a series of four designated grand slam contests. In determining a pari-mutuel distribution under this subpart, a finish of first in the final and fourth designated grand slam contest race for the performance in question shall have the same weight as a finish of first, second, or third in the greatest number of grand slam contests in the first three races in a series of four designated grand slam contests.

7873.0230 INFORMATION WINDOW.

Each association shall provide at least one information or complaint window where complaints may be made by members of the public. Complaint forms must include the name, address, and telephone number of the complainant, the date and nature of the complaint, and the department or persons with whom the complaint was made. When a patron makes a complaint, the association shall forward a copy of the complaint along with the action or proposed action taken, if any, to the commission staff within 48 hours of the complaint. A current set of all commission rules regarding the conduct of pari-mutuel wagering shall be available for public inspection during racing hours at every such window.

7874.0100 GENERAL PROVISIONS.

Subpart 1. **Scope.** Subpart 2 applies for the purpose of administering the direct deposit of taxes and, breakage, and breeders’ funds, pursuant to Minnesota Statutes, section 240.15, subdivisions 1 and 2 shall apply.

Subp. 2. **Payment of pari-mutuel tax taxes, breakage, and breeders’ fund funds.** Taxes, breakage, and breeders’ funds collected by an association must be remitted to the commission within no more than seven days of after the day on end of the month in which it was they were collected. The remittance must be accomplished by a direct deposit in a financial institution designated by the commissioner of management and budget and approved by the commission or by daily delivery to the commission office. On those days when the seventh day is a holiday or a weekend day, the payment must be made by the succeeding business day. At No more than seven days after the close of each month in which racing is conducted, the association must report to the commission all deposits of taxes and, breakage, and breeders’ funds for that month.

[For text of subs 3 to 5, see M.R.]

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7875.0200 EQUIPMENT.

Subpart 1. **Equipment.** Each association must include equipment, devices, or apparatus necessary to start, time, film or tape, and photograph the finish of every race. Equipment necessary to view photographs, films, and tapes of each race must be provided. Each association must include pari-mutuel equipment, devices, or apparatus necessary to sell and cash tickets, compile pari-mutuel data, and display odds. An association also must include adequate internal communications equipment. The facilities must be in compliance with the requirements of the ADA insofar as offering special accommodations or alternative equipment to disabled individuals. An association shall provide the commission office with a pari-mutuel console for purposes of displaying and viewing current racing information.

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

Subp. 4. **Starting gates.** At least two starting gates must be in service on each race day and shall be tested daily prior to the first race. Class D licensees are required to have one starting gate. Two tractors or teams of draught horses pieces of equipment or vehicles capable of pulling the starting gates shall be positioned to pull any gate from a racecourse. Thoroughbred and quarter horse starting gates must be padded to prevent injury to jockeys, assistant starters, and horses. The arms of a standardbred starting gate shall have a screen or shield in front of each horse, and the arms shall be perpendicular to the rail when extended.

[For text of subps 5 to 9, see M.R.]

7876.0130 OUTBREAKS OF INFECTIOUS OR COMMUNICABLE EQUINE DISEASES.

Subpart 1. **Limited application.** This part applies only when the Racing Commission, its executive director, or its deputy director, in consultation with the commission veterinarian, has determined there have been cases in North America of an infectious or communicable equine disease that presents a serious and immediate threat to the health of horses at a licensed racetrack. When this part applies, it supersedes any conflicting provisions elsewhere in rule.

Subp. 2. **Notice.** When this part applies, the commission shall post a notice on its Web site and shall also make other reasonable efforts to notify all affected racetracks and horse persons in a timely manner, which shall include sending notice via mail or e-mail when possible. The commission shall also promptly provide notice in the same manner as soon as the commission, its executive director, or its deputy director, in consultation with the commission veterinarian, has determined the threat has subsided and this part no longer applies.

Subp. 3. **Certificate of veterinary inspection.** A horse entering the enclosure of the licensed racetrack must be accompanied by an original certificate of veterinary inspection issued within the preceding 72 hours. No horse trailers, vans, or other equine transport vehicles will be allowed to enter the enclosure of a licensed racetrack if the driver does not present the required health certificate for each horse being transported. The certificate must contain the following:

A. documentation that an accredited veterinarian, as defined in part 1721.0010, subpart 2, physically examined the horse on the date the health certificate was issued;

B. a statement from the examining veterinarian that, at the time of examination, the horse did not exhibit any clinical signs of disease and the horse's temperature was normal;

C. a statement from the examining veterinarian that the examining veterinarian verified with the horse's owner or trainer that, to the best of the owner or trainer's knowledge, the horse has not been exposed to any other horse with a contagious or infectious disease in the past 30 days or other time period recommended by the Board of Animal Health;

D. complete equine infectious anemia (EIA) test results, including the date, laboratory, and accession number of the most recent negative EIA test; and

E. if required by the commission veterinarian, documentation that the horse has been vaccinated by an accredited veterinarian with a Food and Drug Administration-approved modified live or killed vaccine specific for EHV-1 not less than 14 days and not more than 60 days prior to arrival at the licensed racetrack. The vaccination date, brand name, serial number, and expiration date of vaccine must appear on the certificate.

Subp. 4. **Nonadmission of certain horses.** No horse may be admitted to the grounds of a licensed racetrack if it has, within the preceding 30 days, been in a county or province, or adjacent county or province, where any racetrack, training facility, or stable is

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under quarantine due to an infectious or communicable equine disease.

Subp. 5. **Isolation of certain horses.** If a horse arrives at a licensed racetrack within 30 days of the most recently initiated quarantine date applicable to that horse, or if a horse has tested positive for any contagious or infectious disease within the preceding six months, the following requirements shall apply:

A. after arrival at the licensed racetrack, the horse's owner or trainer shall procure and pay for a blood test or nasal swab, or both, as required by the commission veterinarian; and

B. the horse shall be held in an isolation area or removed from the licensed racetrack until the horse's owner or trainer presents documentation indicating that the blood test or nasal swab, or both, as required by the commission veterinarian, shows no presence of infectious or communicable disease.

7877.0110 PROCEDURE FOR OBTAINING CLASS C LICENSE.

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

Subp. 4. **Racing officials.** Each association shall submit to the commission for its approval or disapproval the names of all persons whom the association has selected as racing officials, and other employees whose duties relate to the actual running of races. The list shall include, where applicable, the following racing officials:

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

T. timer; and

U. track superintendent; and

V. any other official as designated by the commission. The list of racing officials' names shall be submitted to the commission in writing at least 30 days prior to the opening of each race meeting.

The association shall be responsible for filing a complete application for a Class C license with respect to each nominee who has not been previously licensed by the commission as a racing official.

The commission may request any person whose name is proposed as a racing official to submit to a physical examination and to forward the results of ~~said~~ the examination to the commission. The request shall be made only where there is a reasonable basis for suggesting that the applicant's physical condition would hinder or prevent ~~him or her~~ the applicant from performing the duties of a racing official.

The commission shall act on the association's list of officials at a meeting of the commission. If commission staff recommends disapproval of an official, the association shall be notified of that recommendation in advance of the commission's meeting.

Under no circumstances shall an identifier, placing judge, or patrol judge be approved by the commission unless the person has satisfactorily passed an optical examination within 90 days prior to approval evidencing 20-20 vision (corrected) and the ability to distinguish colors.

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

Subpart 1. **Owners.** Horse owners shall have the following responsibilities: in items A to E.

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

Subp. 2. **Trainers.** Trainers shall have the following responsibilities.

A. A trainer shall keep in ~~his or her~~ the trainer's charge or under ~~his or her~~ the trainer's supervision at the racetrack horses owned only by owners who are licensed by the commission.

B. A trainer shall ascertain the true identity of all horses in ~~his or her~~ the trainer's charge.

C. A trainer ~~shall be~~ is responsible for horses ~~he or she~~ the trainer enters as to eligibility; weight or other allowances claimed; physical fitness of the horse to perform credibly at the distance entered; absence of prohibited medication; proper shoeing, bandaging, and equipment; and timely arrival in the paddock.

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(1) No trainer may start or permit a horse in ~~his or her~~ the trainer's custody, care, or control to be started or to participate in any timed workout, if he or she the trainer knows, or might in the exercise of due care should have known, or has cause to believe, that the horse has received any medication, alkalinizing agent, blood doping agent, venom, or substance foreign to the natural horse in contravention of the provisions of chapter 7890.

(2) No trainer may administer a medication, alkalinizing agent, blood doping agent, venom, or substance foreign to the natural horse to any horse that is scheduled to race within 48 hours, except as permitted in part 7890.0100, subpart 13.

~~(2)~~ (3) The commission shall consider any positive test to be prima facie evidence that the trainer is responsible for such positive test unless ~~he or she the trainer~~ can prove by substantial evidence that neither the trainer nor any employee or agent of the trainer was responsible for the administration of the medication.

~~(3)~~ (4) A trainer must guard each horse trained by him or her in the trainer's charge in such a manner and for such time prior to racing the horse as to prevent the administration of any medication, alkalinizing agent, blood doping agent, venom, or substance foreign to the natural horse in contravention of the provisions of chapter 7890.

D. A trainer must obtain a designated stall assignment from the association before occupying any stall on the racetrack grounds.

E. A trainer must register each horse in ~~his or her~~ the trainer's charge within 24 hours of the horse's arrival on the grounds of an association by completing forms provided by the racing secretary. At the same time, any trainer of thoroughbred, quarter horses, Arabian, or other breeds must submit with that registration a description of the owner's colors for each horse in ~~his or her~~ the trainer's charge.

F. Each trainer must provide a current list of all persons in ~~his or her~~ the trainer's employ to the association's security office and must ensure that those persons are licensed by the commission no later than the next racing day after those employees arrive on the grounds of an association. Upon discharge of an employee, the trainer shall report that fact to the association's security office by no later than the end of that racing day.

G. The trainer shall supply each horse in ~~his or her~~ the trainer's care with adequate food, water, medical treatment, exercise, and shelter, and shall comply with all applicable provisions of Minnesota Statutes, chapter 343.

H. A trainer may use only veterinarians licensed by the commission to tend horses in ~~his or her~~ the trainer's care that are entered to race or at any time that the horses are on the grounds of an association.

[For text of items I and J, see M.R.]

K. A thoroughbred, quarter horse, Arabian, or other breed trainer shall personally attend ~~his or her~~ the trainer's horses in the paddock, and shall supervise ~~his or her~~ the trainer's horses' preparation to race, unless excused by the stewards because of illness or other emergency.

L. If a trainer is responsible for two or more horses in any race, the trainer shall instruct the jockeys or drivers ~~he or she the~~ trainer has engaged that each shall give ~~his or her~~ the trainer's best effort and that each horse shall be ridden or driven to win.

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

N. A trainer is responsible for notifying the racing secretary of any circumstances that would necessitate changing a horse's registration or eligibility papers. This includes notifying the racing secretary when a horse is "nerved" pursuant to part 7897.0100, subpart 11, and immediately reporting the alteration of the sex of a horse to the horse identifier and, racing secretary, and commission veterinarian.

[For text of items O and P, see M.R.]

Q. A trainer must promptly report the death of any horse in ~~his or her~~ the trainer's care on the grounds of an association to the commission veterinarian and must comply with part 7891.0110 governing postmortem examinations.

R. If a trainer must be absent because of illness or any other cause, the trainer shall appoint another licensed trainer to fulfill ~~his or her~~ the absent trainer's duties, and promptly report the appointment to the stewards. The absent trainer and substitute trainer will have joint responsibility for the condition of the horses normally trained by the absent trainer.

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S. Trainers licensed as owners must train all horses owned wholly or in part by them.

T. Each trainer shall comply with ~~all provisions of~~ Minnesota Statutes, chapter 176, and all rules adopted under that chapter.

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

Subp. 3. **Jockeys and apprentice jockeys.** Jockeys and apprentice jockeys shall have the following responsibilities.

A. An apprentice jockey must ride with a five-pound weight allowance beginning with ~~his or her~~ the jockey's first mount and for one full year thereafter, unless the jockey is riding in stakes races, handicap races, or substituting for a journeyman jockey who is unable to fulfill a riding engagement. If after one full year from the date of ~~his or her~~ the jockey's fifth winning mount the apprentice jockey has failed to ride 40 winners, ~~he or she~~ the jockey's shall continue to ride with a five-pound weight allowance for up to two years from the date of ~~his or her~~ the jockey's fifth winning mount or until ~~he or she~~ the jockey has ridden a total of 40 winners, whichever comes first. Apprentice allowances may be waived with the stewards' permission at the time of entry by the trainer or the trainer's designee. If an apprentice jockey is unable to ride for a period of 14 consecutive days or more after the date of the jockey's fifth winning mount because of service in the United States armed forces, enrollment in an institution of secondary or postsecondary education, or because of physical disability, the commission may extend the time during which the apprentice weight allowance may be claimed for a period not to exceed the period the apprentice jockey was unable to ride.

[For text of items B to G, see M.R.]

H. No jockey may weigh-out if ~~he or she~~ the jockey is more than two pounds over the weight assigned to ~~his or her~~ the jockey's horse without permission of the owner or trainer, and under no circumstances shall the overweight exceed seven pounds.

I. If employing an agent, a jockey is bound by all commitments made by the agent. If not employing an agent, the jockey shall conduct ~~his or her~~ business as if ~~he or she were his or her own~~ the jockey is the agent.

J. A jockey must fill ~~his or her~~ all riding engagements. However, no jockey may be forced to ride a horse ~~he or she~~ that the jockey believes to be unsafe, or to ride on a race course ~~he or she~~ the jockey believes to be unsafe.

K. A jockey unable to fulfill ~~his or her~~ riding engagements because of illness or injury must pass a physical examination conducted by a licensed physician or paramedic before resuming race riding.

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

~~M. A jockey must wear a protective helmet with a buckled chin strap while mounted upon any horse at a licensed race-track. A jockey must wear a safety vest when riding in any official race. The safety vest must comply with one of the following minimum standards or later revisions:~~

- ~~(1) British Equestrian Trade Association (BETA):2000 Level 1;~~
- ~~(2) Euro Norm (EN) 13158:2000 Level 1;~~
- ~~(3) American Society for Testing and Materials (ASTM) F2681-08 or F1937;~~
- ~~(4) Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue 3; or~~
- ~~(5) Australian Racing Board (ARB) Standard 1, 1998.~~

~~N. M.~~ In any race, a jockey must ride to win or to finish as near as possible to first. A jockey shall not ease ~~his or her~~ the jockey's horse without cause, even if the horse has no apparent chance to earn a portion of the purse.

~~O. N.~~ A jockey must make ~~his or her~~ the jockey's best effort to control and guide ~~his or her~~ the jockey's horse in such a way so as not to endanger ~~his or her~~ the jockey's own horse or other horses and jockeys, nor to cause a foul.

~~P. O.~~ A jockey must unsaddle ~~his or her~~ the jockey's own horse before weighing in.

- ~~(1) A jockey shall weigh in at no less than the same weight at which the jockey weighed out, and if under that weight,~~

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and after consideration of mitigating circumstances by the board of stewards, the jockey's mount may be disqualified from any portion of the purse money.

(2) In the event of a disqualification, all money wagered on the horse shall be refunded unless the race has been declared official.

(3) A jockey's weight shall include clothing, boots, saddle and its attachments, and any other equipment except the bridle, bit, blinkers, number cloth, overgirth, reins, and breast collar.

(4) Upon approval of the stewards, the jockeys may be allowed up to three pounds more than published weights to account for inclement weather clothing and equipment.

(5) The postrace weight of jockeys includes any sweat, dirt, and mud that have accumulated on the jockey, and the jockey's clothing, safety equipment, and overgirth. This accounts for additional weight, depending on specific equipment, as well as weather, track, and racing conditions.

Q. P. Each jockey must check the stewards' daily video replay list in the jockeys' room and report to the stewards, at the time designated, if so required by the list.

R. Q. A jockey must notify the stewards in writing on a form provided by the commission if ~~he or she~~ the jockey intends to sever a business relationship with an agent or if ~~he or she~~ the jockey intends to change agents. The notification must be signed by both the jockey and agent.

S. R. A jockey not prohibited by contract may agree to give first or second call on ~~his or her~~ the jockey's services to any licensed owner or trainer. Such agreements must be in writing if for a period of more than 30 days.

T. S. A jockey employed by a racing stable on a regular salaried basis shall not ride against the stable. No owner or trainer shall employ or engage a jockey to prevent the jockey from riding another horse.

U. T. Conflicting claims for the services of a jockey shall be decided by the stewards.

V. U. A jockey mount fee shall be considered earned by a jockey when ~~he or she~~ the jockey is weighed out by the clerk of scales, except in the following cases:

(1) (a) When the jockey does not weigh out and ride in a race for which engaged because an owner or trainer engaged more than one jockey for the same race. In such a case, the owner or trainer shall pay a jockey mount fee that is equal to that earned by the jockey who rode the horse to each jockey engaged for the race.

(b) In the event an owner or trainer elects to remove a jockey from a mount after naming a rider at the time of the draw, the stewards shall require a double jockey fee to be paid if the named rider is available to ride in that race. The fee to be paid to the jockey who was removed from the mount is equal to that earned by the jockey who rode the horse.

(2) When a jockey, of the jockey's own free will, elects to be taken off a mount where injury to the horse or rider is not involved.

(3) When the stewards replace the jockey with a substitute jockey for reasons other than the jockey suffering an injury during the time between weighing out and the start of the race.

(4) Any conditions or considerations not covered by this part shall be addressed at the discretion of the stewards. All jockey protests must be filed prior to the race.

W. V. Whenever a jockey from a foreign country, excluding Mexico or Canada, rides in Minnesota, the jockey must present a declaration sheet stating that ~~he or she~~ the jockey is a holder of a valid license and not under suspension, and that ~~he or she~~ the jockey agrees to be bound by the commission's rules. This sheet shall be retained by the clerk of scales and, at the conclusion of the jockey's participation in racing, shall be returned to the jockey properly endorsed by the clerk of scales stating whether or not the jockey incurred any penalty or had a fall.

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~~W.~~ No jockey shall willfully or purposely touch, strike, or jostle another jockey or horse, either with hands or riding crop, from the time they leave the paddock until after dismounting from a race.

~~X.~~ A jockey who is suspended for less than ten days for a riding infraction may be allowed to ride in a stakes or trial race that was designated by the stewards prior to the start of the race season. Permission to race will be granted at the stewards' discretion, based on the circumstances of the suspension.

[For text of subs 4 to 10, see M.R.]

Subp. 11. Required safety equipment for all licensees.

A. A person mounted on or driving a horse on association grounds, and a person handling a horse at the starting gate, must wear a properly secured safety helmet at all times. The helmet must comply with one of the following minimum safety standards or later revisions:

- (1) American Society for Testing and Materials (ASTM 1163);
- (2) European Standards (EN-1384 or PAS-015 or VG1);
- (3) Australian/New Zealand Standards (AS/NZ 3838 or ARB HS 2012); or
- (4) Snell Equestrian Standard 2001.

B. A person mounted on a horse or racing in a sulky on association grounds, and a person handling a horse at the starting gate, must wear a properly secured safety vest at all times. The safety vest must comply with one of the following minimum standards or later revisions:

- (1) British Equestrian Trade Association (BETA):2000 Level 1;
- (2) Euro Norm (EN) 13158:2000 Level 1;
- (3) American Society for Testing and Materials (ASTM) F2681-08 or F1937;
- (4) Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue 3; or
- (5) Australian Racing Board (ARB) Standard 1.1998.

C. A safety helmet or a safety vest shall not be altered in any manner nor shall the product marking be removed or defaced.

7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.

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

Subp. 4. **Paddock judge.** The paddock judge shall have the responsibilities in items A to L.

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

L. The paddock judge shall compile a schooling list ~~comprised of any horse that is~~ horses that are fractious or unruly in the paddock, and shall supervise the paddock schooling of those horses or that exhibit poor or inconsistent behavior in the paddock that could endanger the safety of other participants in racing. The schooling list shall be provided to the stewards at the end of each race day and posted in the race office. No horse on the schooling list may be eligible to race until removed from the list by the paddock judge. To be removed from the schooling list, a horse must be schooled in the paddock and demonstrate to the satisfaction of the paddock judge and the stewards that the horse is capable of performing safely in the paddock.

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

Subp. 5. **Identifier.** The identifier shall have the responsibilities in items A and B.

A. The identifier ~~shall check~~ is responsible for checking the identification of all horses entering the paddock by checking the microchip, tattoo numbers, freeze branding, or other identification method approved by the appropriate breed registry, as well as the sex, color, and markings, and comparing those with documents of registration, eligibility, or breeding, as necessary to ascer-

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tain a horse's identity.

The identifier shall notify the stewards immediately upon detecting any discrepancy in a horse's microchip, tattoo numbers, freeze brand, other approved identification method, markings, or other identifying characteristics.

The identifier ~~shall supervise~~ is responsible for supervising the identification of any horse on the grounds of an association before approving the horse for microchipping, tattooing, freeze branding, or other approved identification method.

B. The identifier shall be responsible to the paddock judge for maintaining a card that will list all equipment worn, including shoes, and the microchip, tattoo, or freeze brand number, or other approved identification method, for each horse racing at the meeting. The identifier shall compare the equipment actually being used on the horse with the approved equipment listed on the card.

[For text of subps 6 and 7, see M.R.]

Subp. 8. **Commission veterinarian.** The commission veterinarian shall maintain a list of the following:

- A. horses that are scratched because of illness or injury;
- B. horses that are pulled up because of lameness or other injury during a race;
- C. horses that are bleeders, pursuant to part 7890.0140, subpart 1; and

D. horses otherwise considered unfit to race in the professional judgment of the commission veterinarian or the association veterinarian.

The veterinarian's list shall be posted ~~in the racing secretary's~~ outside the commission veterinarian's office, and any horse whose name is on the list shall be ineligible to start in a race for five calendar days, or until the commission veterinarian or association veterinarian removes it from the list, whichever is later. All workouts required by the commission veterinarian for the purpose of potentially removing a horse from the veterinarian's list must be conducted under the same medication requirements as those for race days. For purposes of this subpart, the five-day period during which a horse is ineligible to start begins to run on the first day the horse is placed on the list. The veterinarian's list is binding on all racetracks under the jurisdiction of the commission and shall include horses on the veterinarian's list in other racing jurisdictions.

The commission veterinarian shall conduct racing soundness examinations pursuant to part 7891.0100. If the veterinarian finds that any horse is unfit to race ~~he or she~~ the veterinarian shall notify the stewards immediately in writing.

The commission veterinarian shall supervise the operation of a barn for the detention and testing of horses after each race pursuant to chapter 7890.

The commission veterinarian must post in a location accessible to all trainers, a list of all horses registered as «nerved» pursuant to part 7897.0100, subpart 11.

The commission veterinarian shall have the authority to draw and submit blood to the diagnostic laboratory from any horse or pony on the grounds of an association for the purpose of testing for equine infectious anemia (EIA) and other reportable infectious diseases as determined by the Minnesota Board of Animal Health, and shall supervise the removal from the racetrack of any horse or pony having positive EIA or reportable infectious disease test results.

In the event of a veterinary emergency where the owner's veterinarian is not on racetrack grounds, the commission veterinarian or association veterinarian may administer emergency treatment to a horse after consulting with the owner or the owner's agent if they are present on racetrack grounds. In all cases, the owner's veterinarian will be notified and the case transferred to the owner's veterinarian as soon as the owner's veterinarian is present.

In the absence of an association veterinarian, a commission veterinarian shall assume the duties and responsibilities of the association veterinarian.

[For text of subps 8a to 15, see M.R.]

7878.0140 CONTINUING EDUCATION.

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Subpart 1. **Licensee shall successfully complete refresher training.** No security officer's license may be renewed unless the licensee or his or her the appointing authority furnishes the commission proof that the licensee is currently certified in cardiopulmonary resuscitation and has successfully completed, on an annual basis, at least eight hours of refresher training in the areas of:

- A. first aid; and
- B. security plan, policy, and procedure of the racing association; and
- C. cardiopulmonary resuscitation.

Subp. 2. **Commission must approve courses.** Prior to receiving credit for course approval, the appointing authority or the licensee must submit to the commission a detailed outline of the course and the instructors' credentials. All POST Board certified courses will shall be considered by the commission to be approved continuing education courses. Approval must be gained from the commission ten days prior to commencement of the course. Upon approval, the commission shall issue a letter to the appointing authority. Approval of continuing education courses shall be based on relevance to knowledge, skills, and abilities needed for security officers. Approved courses of continuing education credit will be granted at the rate of one hour for each 50 minutes of class sessions.

7883.0100 ENTRIES AND SUBSCRIPTIONS.

[For text of subps 1 to 15a, see M.R.]

Subp. 16. **Workout requirements.** In order to be eligible:

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

C. A first-time starters starter must have gate approval and a minimum of two timed workouts, one of which must be out of the gate, within no more than 60 days prior to the race in which it is entered.

D. A horse, other than a first-time starter, which has not started for a period of more than one year or more shall not be eligible to start until it has completed three timed workouts, at least one of which must be before a an official timed workout observed and approved by a commission veterinarian. The timed workout before a commission veterinarian must occur within no more than 30 days and no less than 48 hours prior to the race for which the horse is entered.

E. Official timed workouts shall be conducted under the same medication and testing rules applicable to racing. A horse is not eligible to be entered in a race until negative results of post-workout medication testing have been returned to the commission veterinarian.

E.F. For all county fairs in which the average daily handle for the preceding year was less than \$150,000 all workout requirements shall be waived except that in the case of a horse that has not started for a period of one year, the owner or trainer must contact the commission veterinarian prior to entry for an examination and workout as determined by the commission veterinarian.

For the purposes of items D and E.F. and removing a horse from the stewards' list, all workouts must be conducted under the same medication requirements as those for race days.

[For text of subps 17 and 18, see M.R.]

7883.0140 CLAIMING RACES.

[For text of subps 1 to 7, see M.R.]

Subp. 8. **Voided claims.** If a claim is voided by the stewards, the horse claimed shall be returned to the original owner who, in turn, shall refund all claim money to the unsuccessful claimant.

A. A claim made on a horse that suffers a fatality during the running of the race or is euthanized for a disarticulated joint, compound comminuted fracture, or fracture of the skull, spine, or pelvis, any of which occurred during or directly after the race, is automatically voided unless, prior to the race in which the horse is claimed, the claimant had elected to claim the horse regardless of the disposition of the horse.

B. An election made in item A shall be entered on the claim form in accordance with claiming rules.

[For text of subps 9 to 11, see M.R.]

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Subp. 12. **Disclosure of bred mare.** If a filly or mare has been bred and is in foal, she is ineligible to be entered into a claiming race unless:

~~A.~~ full written disclosure of that fact, on a form prescribed by the commission, is on file with and posted in the office of the racing secretary; and posted at the office of the commission veterinarian. The written disclosure must include, at a minimum, the date of last cover and the name of the stallion;

~~B.~~ the breeding slip has been deposited with the racing secretary; and

~~C.~~ B. all payments due for the service in question and for any live progeny resulting from that service are paid in full; and

~~D.~~ C. the release of the breeding slip to the successful claimant at the time of the claim is guaranteed; or

~~E.~~ in the alternative to items A to D, a licensed veterinarian's certificate dated at least 40 days after the last breeding of the mare or filly is on file with the racing secretary stating that the mare or filly is not in foal.

[For text of subps 13 to 31, see M.R.]

Subp. 32. **Report of corticosteroid joint injections.** The trainer of a claimed horse shall, within 72 hours after the race is made official, provide to the new trainer an accurate record of all corticosteroid joint injections that were administered to the horse within 30 days before the race.

7883.0160 POST TO FINISH.

[For text of subps 1 to 5, see M.R.]

Subp. 6. **Interference and willful fouling.** The following rules shall Items A to E apply with respect to the running of a race.

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

~~C.~~ During a race no jockey shall willfully or carelessly strike or touch another jockey or another jockey's horse or equipment with the effect of interfering with that horse or jockey, nor shall a jockey strike the jockey's horse on or about the head area.

~~D.~~ For willful fouling or careless riding, a jockey may be fined or suspended, or both, by the stewards according to the nature and seriousness of the offense.

~~E.~~ A jockey whose horse has been disqualified or who unnecessarily caused the horse to change or shorten its stride for the purpose of losing a race may be fined or suspended.

Subp. 6a. **Use of riding crop.** Items A to E apply with respect to the use of a riding crop.

~~A.~~ A jockey shall use a riding crop in a manner consistent with using the jockey's best efforts to win.

~~B.~~ A jockey must not use the riding crop indiscriminately.

~~C.~~ A jockey must not strike a horse more than three consecutive times without pausing to only push on the horse giving it a chance to respond before using the riding crop again.

~~D.~~ Jockeys are prohibited from striking a horse:

- (1) on the head, flanks, or on any part of its body other than the shoulders or hind quarters;
- (2) during the post parade except when necessary to control the horse;
- (3) excessively or brutally causing welts or breaks in the skin;
- (4) when the horse is clearly out of the race or has obtained its maximum placing;

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- (5) persistently even ~~though~~ when the horse is showing no response under the riding crop; or
- (6) after the race.

E. Correct uses of the riding crop are:

- ~~(a)~~ (1) showing horses the riding crop before hitting them;
- ~~(b)~~ (2) using the riding crop in rhythm with the horse's stride; and
- ~~(c)~~ (3) using the riding crop as an aid to maintain a horse running straight.

D. For willful fouling or careless riding a rider may be fined or set down or both by the stewards according to the nature and seriousness of the offense.

E. A jockey whose horse has been disqualified or who unnecessarily caused his or her horse to change or shorten its stride for the purpose of losing a race may be fined or suspended.

[For text of subps 7 to 13, see M.R.]

Subp. 14. **Horse becomes crippled or disabled or otherwise unable to finish.** The following procedures shall ~~Items A to E~~ apply if a horse during the running of a race becomes crippled disabled or otherwise obviously unable to finish (~~broken bone, profuse bleeding, or other equally disabling condition~~):

A. ~~It~~ The horse shall be dismounted, unsaddled by the jockey or ~~an~~ another MRC licensee, and removed from the course ~~without passing the stand by horse ambulance~~.

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

7884.0270 EXPANDED HOMESTRETCH RACING.

Subpart 1. **Authority.** With the approval of the commission, a Class B or D licensee may expand the width of its homestretch by no less than ten feet nor more than 14 feet inward in relation to the width of the remainder of the racetrack.

Subp. 2. **Rules.** In the event the homestretch is expanded pursuant to subpart 1, the following shall apply:

A. When entering or while going through the homestretch for the first time in a race, no horse shall use the expanded inside lane in an attempt to pass other horses or improve its position. ~~Any A horse which that~~ Any A horse which that does so shall be disqualified and placed ~~last in the order of finish at the discretion of the stewards, whose decision shall be final~~.

B. The lead horse in the homestretch shall maintain its position giving the trailing horses full access to the expanded inside lane. If, in the opinion of the stewards, the lead horse changes course in the homestretch in an attempt to prevent a trailing horse from passing, ~~said the~~ said the horse shall be placed accordingly.

C. Horses using the expanded inside lane, during the homestretch drive for the finish of the race must first have complete clearance of the pylons marking the inside boundary of the race course. ~~Any A horse or sulky running over one or more of the pylons or going inside the pylons, while attempting to use the expanded inside lane, may be disqualified and placed last in the order of finish at the discretion of the stewards, whose decision shall be final~~.

D. During the final one-eighth mile of a race, a horse may only be driven into the expanded homestretch lane for the purpose of passing another horse and shall not be driven into the expanded homestretch lane for the purpose of blocking a trailing horse. It shall be presumed that ~~any a~~ any a horse driven into the expanded homestretch lane which blocks a trailing horse, without advancing on the horse it was allegedly attempting to pass, was being driven for the purpose of blocking a trailing horse. If, in the opinion of a majority of the stewards, a horse is driven into the expanded homestretch lane for the purpose of blocking a trailing horse, the driver of the blocking horse may be fined ~~and/or or~~ suspended, or both, and the horse may be placed accordingly.

7890.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter shall have the meanings given them in this part.

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

Subp. 3b. [See repealer.]

[For text of subps 3c to 12b, see M.R.]

Subp. 13. **Medication.** “Medication” is a substance, compound, or element, or combination thereof, which is or can be administered to a horse for the purpose of preventing, curing, or alleviating the effects of any disease, condition, ailment, or infirmity, or symptom thereof, or for altering in any way the behavior, attitude, temperament, or performance of a horse, including athletic performance. ~~The term~~ Medication includes all analgesics, anesthetics, depressants, narcotics, stimulants, tranquilizers, and other classifications of medications. Nothing herein shall be deemed to include:

A. Nonsteroidal anti-inflammatory drugs (NSAIDs):

(1) The use of one of the three approved NSAIDs shall be permitted under the following conditions, with the exception of two-year-old race horses where no concentration of any NSAIDs, other than ~~but~~ phenylbutazone, are allowed in the plasma or serum sample taken after racing or official timed workouts:

(a) ~~but~~ phenylbutazone, provided that the test sample does not contain more than two micrograms of the substance thereof per milliliter of blood plasma or serum;

(b) flunixin, provided that the test sample does not contain more than 20 nanograms of the substance thereof per milliliter of blood plasma or serum; and

(c) ketoprofen, provided that the test sample does not contain more than two nanograms of the substance thereof per milliliter of blood plasma or serum.

(2) No NSAIDs can be administered within the 24 hours before post time for the race in which the horse is entered. The use of all but one of the approved NSAIDs shall be discontinued at least 48 hours before the post time for the race in which the horse is entered.

(3) ~~The presence of more than one of the three approved NSAIDs, with the exception of phenylbutazone in a concentration below 0.3 micrograms per milliliter of serum or plasma and flunixin with a concentration below three nanograms per milliliter of serum or plasma, or any unapproved NSAID in the post-race serum or plasma sample, or sample taken after an official timed workout is not permitted; and shall constitute an NSAID stacking violation as follows:~~

(a) a Class 1 NSAID Stacking Violation (Penalty Class B) occurs when:

i. two nonsteroidal anti-inflammatory drugs are found at individual levels exceeding the following restrictions:

Diclofenac	5 nanograms per milliliter of plasma or serum;
Firocoxib	20 nanograms per milliliter of plasma or serum;
Flunixin	20 nanograms per milliliter of plasma or serum;
Ketoprofen	2 nanograms per milliliter of plasma or serum;
Phenylbutazone	2 micrograms per milliliter of plasma or serum; or
all other nonsteroidal anti-inflammatory drugs	laboratory concentration of detection;

ii. three or more nonsteroidal anti-inflammatory drugs are found at individual levels exceeding the following restrictions:

Diclofenac	5 nanograms per milliliter of plasma or serum;
Firocoxib	20 nanograms per milliliter of plasma or serum;
Flunixin	3 nanograms per milliliter of plasma or serum;
Ketoprofen	1 nanogram per milliliter of plasma or serum;
Phenylbutazone	0.3 micrograms per milliliter of plasma or serum; or
all other nonsteroidal anti-inflammatory drugs	laboratory concentration of detection;

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(b) a Class 2 NSAID Stacking Violation (Penalty Class C) occurs when:

i. any one substance noted in unit (a), subunit (i), is found in excess of the restrictions contained therein in combination with any one of the following substances at levels below the restrictions so noted but in excess of the following levels:

Flunixin	3 nanograms per milliliter of plasma or serum;
Ketoprofen	1 nanogram per milliliter of plasma or serum; or
Phenylbutazone	0.3 micrograms per milliliter of plasma or serum; or

(c) a Class 3 NSAID Stacking Violation (Penalty Class C, fines only) occurs when any combination of two of the following nonsteroidal anti-inflammatory drugs are found at or below the restrictions in unit (a), but in excess of the noted restrictions:

Flunixin	3 nanograms per milliliter of plasma or serum;
Ketoprofen	1 nanogram per milliliter of plasma or serum; or
Phenylbutazone	0.3 micrograms per milliliter of plasma or serum.

(4) Any horse to which an NSAID has been administered shall be subject to having a blood and/or urine sample taken at the direction of the official veterinarian to determine the quantitative NSAID levels and/or the presence of other drugs which may be present in the blood or urine sample.

B. Furosemide, provided, however, that it is administered pursuant to the provisions of part 7890.0140, subpart 7a. The concentration of furosemide must not exceed 100 nanograms per milliliter of serum or plasma in the post-race blood sample.

C. Topical applications, such as antiseptics, ointments, salves, leg rubs, and leg paints which may contain antibiotics (excluding procaine, penicillin, and chloramphenicol) but which shall not contain ethanol, benzocaine, DMSO, lidocaine, steroids, or other medications.

D. Vitamins and electrolytes, provided the vitamins and electrolytes are administered orally and do not contain any medications.

[For text of subp 13a, see M.R.]

Subp. 13b. [See repealer.]

[For text of subps 13c to 21, see M.R.]

7890.0110 MEDICATIONS AND PRACTICES PROHIBITED.

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

Subp. 3. **Extracorporeal shock wave therapy or radial pulse wave therapy.** The use of extracorporeal shock wave therapy or radial pulse wave therapy shall not be permitted unless the following conditions are met:

A. any treated horse shall not be permitted to race for a minimum of ten days following treatment with day one being the first day of treatment;

B. the use of extracorporeal shock wave therapy or radial pulse wave therapy machines shall be limited to veterinarians licensed by the commission and must be performed in a central location at the licensed racetrack determined by the commission veterinarian during hours specified by the commission veterinarian;

C. any extracorporeal shock wave therapy or radial pulse wave therapy machines on association grounds must be registered with the commission veterinarian prior to use; and

D. all extracorporeal shock wave therapy or radial pulse wave therapy treatments must be recorded on a form prescribed by the commission, and provided to the commission veterinarian 24 hours prior to ~~use~~ treatment.

[For text of subps 4 to 12, see M.R.]

7890.0130 FINDINGS OF CHEMIST.

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Subpart 1. **Prima facie evidence.** A ~~post-race~~ finding by a chemist of any positive test or overage in the test sample of a horse taken after a race or official timed workout shall be considered prima facie evidence that the medication or ~~metabolites~~ metabolite, androgenic anabolic ~~steroids~~ steroid, substance foreign to the natural horse, or endogenous, dietary, or environmental ~~substances~~ substance, NSAIDs NSAID, or furosemide was administered to the horse prior to the race or official timed workout and carried in the body of the horse while participating in ~~a the~~ the race or official timed workout. A horse racing on furosemide must show a detectable concentration of the drug or metabolites in the post-race serum or plasma sample. A finding by a chemist of any venom or blood doping agent in the test sample of a horse shall be considered prima facie evidence that the venom or blood doping agent was administered to the horse prior to the race or official timed workout and carried in the body of the horse while participating in a race or official timed workout. A finding by a chemist of a level of TCO₂ greater than 37 millimoles per liter of blood in the test sample of a horse shall be considered prima facie evidence that an alkalinizing agent was administered to the horse prior to the race or official timed workout after which the test sample was taken.

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

7892.0120 TAKING OF SAMPLES.

Subpart 1. **Horses tested.**

A. ~~Blood and/or urine~~ After every race, test samples shall be taken from at least two horses, one of which must be the winning horse ~~in every race~~.

B. ~~Blood and/or urine~~ Test samples may be taken from ~~randomly selected other~~ other horses on the grounds of a licensed race-track as designated by the stewards or the commission veterinarian at any time ~~upon suspicion that a violation of chapter 7890 has occurred~~. Horses to be tested may be selected at random or as otherwise reasonably determined by the stewards or commission veterinarian. Test results shall note whether the tested horse was racing in a competition at the time of the test.

C. Out-of-competition testing for blood ~~and/or or~~ or gene doping agents or both may be performed under the direction of the stewards or the commission veterinarian on horses nominated for graded stakes as agreed to on the nomination form by the owner of the horse. Split samples shall be collected in accordance with subpart 5.

D. The stewards or commission veterinarian may require that specimens of hair, saliva, or other body fluid or excretion may be taken from a tested horse as deemed necessary by the stewards or the commission veterinarian to determine whether a violation of chapter 7890 has occurred.

E. Any owner, trainer, or other person having care, custody, or control of a horse required to be tested must submit the horse immediately.

[For text of subps 2 to 6, see M.R.]

7895.0275 STANDARDBRED REGISTRATION.

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

Subp. 2. **Foal certification.** In order for a horse bred in Minnesota to be registered and subsequently certified as Minnesota-bred, the ~~following~~ requirements in items A to C must be met:

A. The USTA certificate of registration must be ~~embossed by the Racing Commission or~~ available for review through the official registering agency prior to entry into any restricted race.

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

[For text of subps 3 to 5, see M.R.]

7897.0100 PROHIBITED ACTS.

[For text of subps 1 to 19, see M.R.]

Subp. 20. **Possession, administration to, or presence in a horse of a prohibited drug, substance, medication or metabolites, biological product, growth hormone, hormone releasing factor, venom, or synthetic analog of venom.**

A. No person may possess or administer, on the premises of a licensed association under the jurisdiction of the commission, a prohibited drug, substance foreign to the natural horse, medication or metabolites, biological product, blood doping agent, growth hormone, venom, synthetic analogue of venom, derivative of venom, or synthetic analogue of a derivative of venom.

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or a synthetic or natural analogue of a hormone releasing factor that has not been approved by the United States Department of Agriculture (USDA) or the United States Food and Drug Administration (FDA) for any use in humans or animals without prior permission of the stewards or judges and commission veterinarian.

B. No person may possess or administer a prohibited drug, substance, medication or metabolites, biological product, venom, synthetic analogue of venom, derivative of venom, synthetic analogue of a derivative of venom, synthetic or natural analogue of a hormone releasing factor, or growth hormone on the premises of a facility under the jurisdiction of the commission:

[For text of subitems (1) to (4), see M.R.]

C. The presence in or administration to a horse of the following, on the premises of a licensed association under the jurisdiction of the commission, is prohibited at any time:

[For text of subitem (1), see M.R.]

(2) naturally produced venoms, synthetic analogues of venoms, derivatives of venoms, synthetic analogues of derivatives of venoms, synthetic or natural analogues of hormone releasing factors, or growth hormone;

[For text of subitems (3) and (4), see M.R.]

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

[For text of subp 21, see M.R.]

REPEALER. Minnesota Rules, parts 7870.0510; 7871.0020; 7871.0080; 7871.0090, subpart 3; 7871.0120; 7871.0130; 7871.0140; 7873.0185, subpart 8; 7873.0188, subpart 8; 7884.0230, subparts 3 and 3a; 7890.0100, subparts 3b and 13b; and 7899.0100, are repealed.

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* Sections 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.

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

Department of Labor and Industry

Adopted Exempt Permanent Rules Relating to Workers' Compensation; Independent Medical Examination Fees in Minnesota Rules, chapter 5219; Workers' Compensation Medical Services and Fees in Minnesota Rules, chapter 5221

5219.0200 SCOPE.

This chapter governs reimbursement for copies of existing medical records related to a current claim for compensation under Minnesota Statutes, chapter 176, when requested by any person or business entity from a health care provider as defined in Minnesota Statutes, section 176.011, subdivision ~~24~~ 12a.

5219.0500 INDEPENDENT MEDICAL EXAMINATION FEES.

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

Subp. 2. **Definition.** For purposes of this part, the language contained in Minnesota Statutes, section 176.136, subdivision 1c: "for, or in connection with, independent or adverse medical examinations requested by any party" means charges by a health care provider as defined by Minnesota Statutes, section 176.011, subdivision ~~24~~ 12a, with regard to examinations conducted pursuant to Minnesota Statutes, section 176.155, subdivision 1, for:

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

Subp. 3. **Charges.** Charges by a health care provider as defined by Minnesota Statutes, section 176.011, subdivision ~~24~~ 12a, for or in connection with independent medical examinations pursuant to Minnesota Statutes, section 176.155, must not exceed the cost specified in items A to J.

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

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

5221.0100 DEFINITIONS.

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

Subp. 1b. **Appropriate record.** "Appropriate record" is a legible medical record or report ~~which~~ that substantiates the nature and necessity of a service being billed and its relationship to the work injury.

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

Subp. 3. **Charge.** "Charge" means the payment requested by a provider on a bill for a particular service. This chapter does not prohibit a provider from billing usual and customary charges ~~which~~ that are in excess of the amount listed in the fee schedule.

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Subp. 4. **Code.** “Code” means the alphabetic, numeric, or alphanumeric symbol used to identify a specific health care service, place of service, or diagnosis as follows: described in items A to G.

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

B. “CPT code” means a numeric code included in the Current Procedural Terminology Coding System manual, incorporated by reference in part 5221.0405, item ~~D~~ B. A CPT code is used to identify a specific medical service, article, or supply.

C. «HCPCS code” means a numeric or alphanumeric code included in the Centers for Medicare and Medicaid Services’ Common Procedure Coding System. An HCPCS code is used to identify a specific medical service, article, or supply. HCPCS level I codes are the numeric CPT codes listed in the CPT manual, incorporated by reference in part 5221.0405, item ~~D~~ B. HCPCS level II codes are alphanumeric codes created for national use. HCPCS level II codes are listed in the HCPCS manual, incorporated by reference in part 5221.0405, item E C.

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

E. “Place of service code” means the code used to identify the type of facility and classification of service as inpatient or outpatient service on the ~~CMS-1500 claim form or the Uniform Billing Claim Form (UB-92 CMS-1450), incorporated by reference in part 5221.0405, items B and C~~ uniform billing claim formats required by Minnesota Statutes, sections 62J.50 to 62J.61, and the corresponding uniform companion guides adopted by the Minnesota Department of Health under Minnesota Statutes, section 62J.61.

F. «Procedure code” means a numeric or alphanumeric code used to identify a particular health care service. Procedure codes used in this chapter include CPT codes, HCPCS codes, revenue codes, ~~dental Codes on Dental Procedures and Nomenclature (CDT codes),~~ and codes in the National Drug Code Directory (NDC).

G. “Revenue code” means a numeric or alphanumeric code included in the ~~UB-92 UB-04 Data Specifications~~ manual, incorporated by reference in part 5221.0405, item G E. Revenue codes are used in institutional settings such as hospitals to identify an individual or group of medical services, articles, or supplies.

[For text of subps 5 and 6, see M.R.]

Subp. 6a. **Conversion factor.** “Conversion factor” means the dollar value of the maximum fee payable for one relative value unit of a compensable health care service delivered under Minnesota Statutes, chapter 176, as specified in part 5221.4020, subpart ~~2a~~ 1b.

[For text of subps 6b to 9, see M.R.]

Subp. 10. **Medical fee schedule.** “Medical fee schedule” means the list of codes, service descriptions, and corresponding dollar amounts allowed under Minnesota Statutes, section 176.136, ~~subdivisions 1 and 5,~~ and parts 5221.4005 to 5221.4070.

[For text of subps 10a to 11a, see M.R.]

Subp. 12. **Provider.** “Provider” ~~is~~ means a health care provider as defined in Minnesota Statutes, section 176.011, subdivision ~~24~~ 12a.

[For text of subps 13 to 15, see M.R.]

5221.0200 AUTHORITY.

This chapter is adopted under the authority of Minnesota Statutes, sections 175.171; ~~176.101, subdivision 3e;~~ 176.135, subdivisions 2 and 7; 176.136; 176.231; and 176.83.

5221.0405 INCORPORATIONS BY REFERENCE.

The following documents are incorporated by reference to the extent cited in this chapter. Many of these documents may be accessed through the Internet by contacting the organization listed.

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

~~B. The Centers for Medicare and Medicaid Services claim form (CMS-1500)(U2)(12-90), and any subsequent revisions. It is not subject to frequent change. It is developed by the National Uniform Claim Committee, and may be purchased through the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, telephone number (202) 512-1800. It is available through the Minitex interlibrary loan system.~~

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C. The Uniform Billing Claim form (UB-92, CMS-1450) developed by the National Uniform Billing Committee, and any subsequent revisions. The Centers for Medicare and Medicaid Services determines the standards for printing this form. It is not subject to frequent change. It may be purchased through the Superintendent of Documents, United States Government Printing Office, P.O. Box 371954, Pittsburgh, PA, 15250, telephone number (202) 512-1800 or from local commercial business office supply stores. It is available through the Minitex interlibrary loan system.

D.B. The Physician's Current Procedural Terminology, (CPT manual) 4th edition, 1998, 1999, 2000, 2016 Professional Edition, and any subsequent revisions. CPT codes are subject to frequent change. They are The manual is published by and may be purchased from the American Medical Association, Order Department: OP054196, P.O. Box 10950, Chicago, Illinois 60610, P.O. Box 930876, Atlanta, GA, 31193-0876, or from the American Medical Association Web site at <https://commerce.ama-assn.org/store/>. They are It is available through the Minitex interlibrary loan system.

E.C. The alphanumeric Healthcare Common Procedure Coding System (HCPCS manual), 2006, 2016 edition, (previously known as the HCFA Common Procedural Coding System (HCPCS manual) for the 1998 through 2003 editions and Healthcare Procedure Coding System (HCPCS manual) for the 2004 and 2005 editions), and any subsequent revisions. It is subject to frequent change. It is published by the Practice Management Information Corporation (PMIC) under the authority of the Centers for Medicare and Medicaid Services and may be purchased from Minnesota's Bookstore, (651) 297-3000 or (800) 657-3757, medical bookstores, or through PMIC, 4727 Wilshire Blvd., Suite 300, Los Angeles, CA 90010, 200 West 22nd Street, #253, Lombard, IL 60148, (800) 633-7467, or www.pmiconline.com. It is available through the Minitex interlibrary loan system and on the Centers for Medicare and Medicaid Services Web site at <http://www.cms.gov/Medicare/Coding/HCPCSReleaseCodeSets/Alpha-Numeric-HCPCS.html>.

F.D. Minnesota Standards for the Use of the CMS 1500 Claim Form, CMS-1500 Manual, fifth edition, effective May 19, 2004 (previous editions were known as the Minnesota Standards for the Use of the HCFA 1500 Claim Form), and any subsequent revisions adopted by the Department of Health under Minnesota Statutes, sections 62J.52 and 62J.61. It is subject to frequent change. It is published by the Administrative Uniformity Committee in conjunction with the Department of Health pursuant to Minnesota Statutes, sections 62J.52 and 62J.61. It is available on the Internet at www.mmaonline.net/auc or it may be purchased from Minnesota's Bookstore, (651) 297-3000 or (800) 657-3757. The Codes on Dental Procedures and Nomenclature (CDT code), 2016, and any subsequent revisions. The CDT code is published by the American Dental Association and may be purchased from its Web site at <http://www.ada.org/en/store>. It is available through the Minitex interlibrary loan system.

G.E. The Minnesota UB-92 UB-04 Data Specifications Manual (UB-04 Manual), 1994, 2016, and any subsequent revisions adopted by the Department of Health pursuant to Minnesota Statutes, sections 62J.52 and 62J.61 National Uniform Billing Committee (NUBC). It is subject to frequent change. It is developed by the Minnesota Uniform Billing Committee incorporating standards established by the National Uniform Billing Committee. It is published by and may be purchased from the Minnesota American Hospital Association, Education Division, 2550 University Avenue West, Suite 350 S, St. Paul, MN, 55114-1900, (651) 641-1121 or (800) 462-5393. It is available through the Minitex interlibrary loan system and on the American Hospital Association's Web site at <http://www.ahaonlinestore.com>.

H.E. The National Drug Code Directory, published, maintained, and distributed by the federal Department of Health and Human Services, U.S. Food and Drug Administration. The directory is available for viewing or printing free of charge on the Internet at the U.S. Food and Drug Administration's Web site at <http://www.fda.gov/cder/ndc/>. The directory is subject to frequent change and amendments to the directory are also incorporated by reference into this chapter.

5221.0410 REQUIRED REPORTING AND FILING OF MEDICAL INFORMATION.

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

Subp. 3. **Maximum medical improvement.** For injuries occurring on or after January 1, 1984, or upon request for earlier injuries, the health care provider must report to the self-insured employer or insurer, maximum medical improvement, when ascertainable, on the health care provider report form or in a narrative report. "Maximum medical improvement" is a medical and legal concept defined by Minnesota Statutes, section 176.011, subdivision 25 13a.

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

C. If the employer or insurer does not serve a notice of intention to discontinue benefits or a petition to discontinue benefits under Minnesota Statutes, section 176.238, at the same time a narrative maximum medical improvement report is served, then the report must be served with a cover letter containing the information in subitems (1) to (6). Serving the cover letter with the

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maximum medical improvement report does not replace the notice of intention to discontinue benefits or petition to discontinue benefits required by Minnesota Statutes, section 176.238. The cover letter must include:

(1) information identifying the employee by name, worker identification number (WID) or Social Security number, and date of injury;

[For text of subitems (2) to (4), see M.R.]

(5) the definition of maximum medical improvement as defined by Minnesota Statutes, section 176.011, subdivision 25.13a; and

[For text of subitem (6), see M.R.]

[For text of subs 4 to 8, see M.R.]

5221.0500 EXCESSIVE CHARGES; LIMITATION OF PAYER LIABILITY.

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

Subp. 2. **Limitation of payer liability.** A payer is not liable for health care charges which are excessive under subpart 1. If the charges are not excessive under subpart 1, a payer's liability for payment of charges is limited as provided in items A to F.

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

B. Except as provided in items C to F, if the maximum fee for service, article, or supply is not limited by parts 5221.4000 to 5221.4070, the payer's liability for payment shall be limited to 85 percent of the provider's usual and customary charge, or 85 percent of the prevailing charge for similar treatment, articles, or supplies furnished to an injured person when paid for by the injured person, whichever is lower.

[For text of subitem (1), see M.R.]

(2) A prevailing charge under Minnesota Statutes, section 176.136, subdivision 1b, paragraph (b), is the 75th percentile of the usual and customary charges as defined in subitem (1) in the previous calendar year, based on no more than two years of billing data immediately preceding the date of service, for each service, article, or supply if the database for the service meets all of the following criteria:

[For text of units (a) to (c), see M.R.]

C. ~~Under Minnesota Statutes, section 176.136, subdivision 1b, paragraph (a), Payment for services, articles, and supplies provided to an employee while an inpatient or outpatient at a hospital with 100 or fewer licensed beds shall be 100 percent of the usual and customary charge as defined in item B, unless the charge is determined by the commissioner or compensation judge to be unreasonably excessive shall be as provided in parts 5221.4005 to 5221.4070, except as provided in Minnesota Statutes, section 176.136, subdivision 1b.~~ The payer's liability for services provided by a nursing home that participates in the medical assistance program shall be the rate established by the commissioner of human services.

D. ~~Under Minnesota Statutes, section 176.136, subdivision 1b, paragraph (b), Payment for services, articles, and supplies provided to an employee who is an inpatient at a hospital with more than 100 licensed beds shall be limited to 85 percent of the hospital's usual and customary charge as defined in item B, or 85 percent of the prevailing charge as defined in item B, whichever is lower. Outpatient charges for hospitals with more than 100 beds are limited by the maximum fees for any service set forth in parts 5221.4000 to 5221.4070. For hospitals with more than 100 beds, liability for outpatient charges that are not included in parts 5221.4000 to 5221.4070 is limited to 85 percent of the hospitals usual and customary, or prevailing charge, as described in item B. A hospital charge is considered an inpatient charge if the employee spent either the night before or the night after the service in the hospital, and there is an overnight room charge shall be as provided in Minnesota Statutes, sections 176.136, subdivision 1b, and 176.1362.~~

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

[For text of subp 3, see M.R.]

5221.0700 PROVIDER RESPONSIBILITIES.

Subpart 1. **Usual charges.** No provider shall submit a charge for a service ~~which that~~ exceeds the amount ~~which that~~ the provider charges for the same type of service in cases unrelated to workers' compensation injuries.

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

Subp. 2. **Submission of information.** Providers except for hospitals must supply with the bill a copy of an appropriate record

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that adequately documents the service and substantiates the nature and necessity of the service or charge. Hospitals must submit an appropriate record upon request by the payer. All charges billed after January 1, 1994, for workers' compensation health care services, articles, and supplies, except for United States government facilities rendering health care services for veterans, must be submitted to the payer on in the forms formats prescribed in subparts 2a, 2b, ~~and 2c, and 2d~~, and in accordance with items A to C.

A. Charges for services, articles, and supplies must be submitted to the payer directly by the health care provider actually furnishing the service, article, or supply. This includes but is not limited to the following:

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

(3) services performed by a health care provider at a ~~small or large~~ hospital, ~~as defined in part 5221.0500, subpart 2, items C and D~~, if the provider has an independent practice, except that a hospital may charge for services furnished by a provider who receives at least a base payment from the hospital, which is paid regardless of the number of patients seen; and

[For text of subitem (4), see M.R.]

B. Charges must be submitted to the payer in the manner required by subparts 2a, 2b, ~~and 2c, and 2d~~, within 60 days from the date the health care provider knew the condition being treated was claimed by the employee as compensable under workers' compensation. Failure to submit charges within the 60 days is not a basis to deny payment, but is a basis for disciplinary action against the provider under Minnesota Statutes, section 176.103. Failure to submit claims within the time frames specified in Minnesota Statutes, section 62Q.75, subdivision 3, may result in denial of payment.

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

Subp. 2a. ~~Centers for Medicare and Medicaid Services CMS 1500 form~~ ASC X12 Health Care Claim: Professional (837) format. Except as provided in subparts 2b ~~and 2c, and 2d~~, charges for all services, articles, and supplies that are provided for a claimed workers' compensation injury must be submitted to the payer on electronically in the CMS 1500 form. Charges for dental services may be submitted on the dental claim form required by Minnesota Statutes, section 62J.52, subdivision 3. The CMS 1500 form must be filled out in accordance with ASC X12 Health Care Claim: Professional (837) format required by Minnesota Statutes, section 62J.52, and directions set forth in the "Minnesota Standards for the Use of the CMS 1500 Claim Form" manual, sections 62J.50 to 62J.61, and the corresponding uniform companion guide adopted by the Department of Health under Minnesota Statutes, ~~section sections 62J.536 and 62J.61~~.

Subp. 2b. ~~Uniform billing claim form UB-92 (CMS 1450)~~ ASC X12 Health Care Claim: Institutional (837) format.

A. Hospitals licensed under Minnesota Statutes, section 144.50, must submit ~~itemized charges on electronically in the uniform billing claim form, UB-92, (CMS 1450)~~. The UB-92 form must be filled out according to ASC X12 Health Care Claim: Institutional (837) format required by Minnesota Statutes, section 62J.52 sections 62J.50 to 62J.61, and the "Minnesota UB-92 manual" published by the Minnesota Hospital Association corresponding uniform companion guide adopted by the Minnesota Department of Health under Minnesota Statutes, sections 62J.536 and 62J.61.

B. When the ~~UB-92 form billing format in item A~~ provides only summary information, an itemized listing of all services and supplies provided during the inpatient hospitalization must be attached ~~to the UB-92 form, except as otherwise provided in Minnesota Statutes, section 176.1362~~. The itemized list must include:

A:

(1) where a code is assigned to a service, the approved procedure codes and modifiers appropriate for the service, in accordance with subpart 3. Charges for supplies need not be coded, but a description and charge for specific articles and supplies must be itemized;

B:

(2) the charge for each service;

C:

(3) the number of units of each service provided; and

D:

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(4) the date each service was provided.

Subp. 2c. **Submission of drug charges.**

A. Itemized charges for drugs dispensed for a claimed workers' compensation injury by a licensed community/retail community/outpatient pharmacy must be submitted to the payer on a pharmacy billing form that includes the data elements electronically in the National Council for Prescription Drug Programs (NCPDP) Version D, Release 0 format required by Minnesota Statutes, section 62J.52, subdivision 4, or according to the electronic transaction standards that apply to retail pharmacies specified in Code of Federal Regulations, title 45, part 162, as amended sections 62J.50 to 62J.61, and the corresponding uniform companion guide adopted by the Minnesota Department of Health under Minnesota Statutes, sections 62J.536 and 62J.61.

B. Charges for drugs dispensed by a practitioner as defined in Minnesota Statutes, section 151.01, subdivision 23, who is permitted to dispense drugs under Minnesota Statutes, chapter 151, may be submitted to the payer according to the applicable requirements of any of the following: this subpart or subpart 2a; Minnesota Statutes, section 62J.535; or one of the billing methods described in item A.

C. Charges for drugs dispensed by a hospital may be submitted according to the applicable requirements of any of the following: this subpart or subpart 2b; Minnesota Statutes, section 62J.535; or one of the billing methods described in item A.

D. In addition to the requirements of subpart 3 and part 5221.4070, all bills or claims for reimbursement of drug charges under this part must include the following information:

- (1) the workers' compensation file number (the employee's social security number), if provided by the employee;
- (2) the employee's name and address;
- (3) the insurer's name and address;
- (4) the date of the injury;
- (5) the name of the health care provider who ordered the drug;
- (6) the name and quantity of each drug provided;
- (7) the prescription number for the drug;
- (8) the date the drug was provided;
- (9) the total charge for each drug provided;
- (10) the name, address, and telephone number of the pharmacy or practitioner that provided the drug; and
- (11) the pharmacy's or practitioner's usual and customary charge for the drug at the time it is dispensed.

E.D. The terms "community/retail community/outpatient pharmacy," "dispense," "drug," "practitioner," and "usual and customary charge" in this subpart have the meanings given to them in part 5221.4070, subpart 1a.

Subp. 2d. **ASC X12 Health Care Claim: Dental (837) format.** Charges for dental services must be submitted to the payer electronically in the ASC X12 Health Care Claim: Dental (837) format required by Minnesota Statutes, sections 62J.50 to 62J.61, and the corresponding uniform companion guide adopted by the Minnesota Department of Health under Minnesota Statutes, sections 62J.536 and 62J.61.

Subp. 3. **Billing code.**

A. The provider shall undertake professional judgment to assign the correct approved billing code, and any applicable modifiers, in the CPT, HCPCS, NDC, or UB-92 UB-04 Data Specifications manual in effect on the date the service, article, or supply

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was rendered, using the appropriate provider group designation, and according to the instructions and guidelines in this chapter. No provider may use a billing code which ~~that~~ is assigned a “D,” “F,” “G,” or “H” status as described in part 5221.4020, subpart 2a, item D. Where several component services which have different CPT codes may be described in one more comprehensive CPT code, only the single CPT code most accurately describing the procedure performed or service rendered may be reported.

Dental procedures not included in CPT or HCPCS shall be coded using ~~any standard dental coding system~~ the Code on Dental Procedures and Nomenclature (CDT code) as published by the American Dental Association.

Inpatient services shall be coded using the same codes, formats, and details that are required for billing for hospital inpatient services by the Medicare program as required by Minnesota Statutes, section 176.1362, subdivision 1, paragraph (c).

B. The codes for services in parts 5221.4030 to 5221.4070 may be submitted with two-digit or two-letter suffixes called “modifiers” as defined in part 5221.0100, subpart 10a. Except as otherwise specifically provided in parts ~~5221.4000~~ 5221.4005 to 5221.4070, the use of a modifier does not change the maximum fee to be calculated according to part 5221.4020.

C. Provider group designation.

(1) General. The provision of services by all health care providers is limited and governed by each provider’s scope of practice as stated in the applicable statute. A provider shall not perform a service which ~~that~~ is outside ~~that the~~ provider’s scope of practice, nor shall a provider use a procedure code for a service which ~~that~~ is outside ~~that the~~ provider’s scope of practice. Services delivered at the direction and under the supervision of a licensed health care provider listed in this item are considered incident to the services of the licensed provider and are coded as though provided directly by the licensed provider. Services delivered by support staff such as aides, assistants, or other unlicensed providers are incident to the services of a licensed provider only if the licensed provider directly responsible for the unlicensed provider is on the premises at the time the service is rendered. Hospital charges are governed by part 5221.0500, subpart 2, items C and D. ~~Outpatient charges by hospitals with more than 100 licensed beds are subject to the maximum fees in parts 5221.4000 to 5221.4070.~~

[For text of subitems (2) to (6), see M.R.]

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

5221.4005 INSTRUCTIONS FOR APPLICATION OF FEE SCHEDULE.

Subpart 1. **Workers’ compensation medical fee schedule; incorporation of Medicare National Physician Relative Value Files.** The workers’ compensation medical fee schedule consists of items A and B:

A. the tables in the Medicare National Physician Fee Schedule Relative Value File and the Geographic Practice Cost Index File most recently incorporated by reference by the commissioner by publishing in the State Register pursuant to Minnesota Statutes, section 176.136, subdivision 1a, ~~paragraph (h)~~; and

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

Subp. 2. **Effective date.** The medical fee schedule applies to treatment provided on or after the effective date of:

A. the most recent fee schedule tables adopted pursuant to Minnesota Statutes, section 176.136, subdivision 1a, ~~paragraph (h)~~, as described in subpart 1; and

B. corresponding rules in parts 5221.4005 to 5221.4061 to implement the fee schedule tables.

[For text of subp 3, see M.R.]

5221.4035 FEE ADJUSTMENTS FOR MEDICAL/SURGICAL SERVICES.

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

Subp. 3. **Services not included in global surgical package.** The services listed in items A to O are not included in the global surgical package. These services may be coded and paid for separately. Physicians must use appropriate modifiers as set forth in this subpart.

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

O. Surgeries for which services performed are significantly greater or more complex than usually required must be coded with CPT modifier 22 added to the CPT code for the procedure. Additional requirements for use of this modifier are ~~as follows: in~~

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subitems (1) to (5).

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

(4) The maximum fee for a surgical procedure that has satisfied all of the requirements for use of CPT modifier 22 is up to 125 percent of the maximum fee calculated under part 5221.4020, subpart 1b, for that CPT code listed in subpart 2b.

[For text of subitem (5), see M.R.]

[For text of subps 4 to 10, see M.R.]

5221.4050 PHYSICAL MEDICINE AND REHABILITATION PROCEDURE CODES.

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

Subp. 3. **Additional payment instructions.** The instructions and examples in items A to D are in addition to CPT code descriptions found in the CPT manual. Additional instructions include both general instructions for a group of codes as well as specific instructions for an individual specific code.

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

C. Additional specific instructions for therapeutic procedure codes 97110 to 97546.

CPT Code	CPT Description	Specific Instructions and Examples
97110	Therapeutic exercises	Examples include, but are not limited to, any type of range of motion, stretching, or strengthening exercises; e.g., stabilization and closed kinetic chain exercises, passive range of motion, active and assistive range of motion, progressive resistive exercises, prolonged stretch, isokinetic, isotonic, or isometric strengthening exercises.
97112	Neuromuscular reeducation	Examples include, but are not limited to, facilitation techniques, NDT, Rood, Brunnstrom, PNF, and Feldenkrais.
97113	Aquatic therapy	This code applies to any water-based exercise program such as Hubbard Tank or pools.
97140	Manual therapy	In addition to the services included in the CPT manual incorporated by reference in part 5221.0405, item D, this code also includes, but is not limited to: myofascial release, joint mobilization and manipulation, manual lymphatic drainage, manual traction, soft tissue mobilization and manipulation, trigger point therapy, acupressure, muscle stimulation - manual (nonelectrical), and transverse friction massage. This code is not paid when reported with any of the osteopathic manipulative treatment (OMT) (98925-98929) or chiropractic manipulative treatment (CMT) (98940- 98943) codes on the same region(s)/body part on the same day. This code may be paid when reported with CMT or OMT codes only if used on a different region(s)/ body part on the same day and must be accompanied by CPT modifier 59 which identifies a distinct procedural service.
97150	Group therapeutic	Therapeutic procedure(s) for a group is used when two or more patients are present for the same type of service such as instruction in body mechanics training, or group exercises when participants are doing same type exercises, etc. There is no time definition for this code. Providers may charge only one unit, regardless of size of group, number of areas treated, or length of time involved.
97760	Orthotic training	This code applies to fabrication, instruction in use, fitting, and care and precautions of the orthotic.
97530	Therapeutic activities	This code is used for treatment promoting functional use of a muscle, muscle group, or body part. This code is not to be used for PROM, active assistive ROM, manual stretch, or manual therapy. Examples for use of code: A patient has had rotator cuff repair. When treatment incorporates functional motion of reaching to increase range of motion and strength, 97530 should be used. A patient has a herniated disc. When treatment incorporates instruction in body mechanics and positioning and simulated activities to improve functional performance, 97530 should be used.

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97537	Community/ work	Community/work reintegration training includes jobsite analysis.
97545	Work hardening/ conditioning	Work hardening/conditioning units are for the initial two hours each visit. Codes 97545 and 97546 refer to services provided within a work hardening or work conditioning program described in part 5221.6500 5221.6600, subpart 2, item D.
97546	Work hardening/ conditioning	Work hardening/conditioning additional units are for each additional hour each visit. Refers to time beyond initial two hours of work conditioning or work hardening.

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

5221.4060 CHIROPRACTIC PROCEDURE CODES.

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

Subp. 3. **Select chiropractic procedure code descriptions, instructions, and examples.** The following instructions and examples are in addition to CPT code descriptions found in the CPT manual. Additional instructions include both general instructions for a group of codes as well as specific instructions for an individual specific code.

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

C. Additional specific instructions for therapeutic procedure codes 97110 to 97546.

CPT Code	CPT Description	Specific Instructions and Examples
97110	Therapeutic exercises	Examples include, but are not limited to, any type of range of motion, stretching, or strengthening exercises; e.g., stabilization and closed kinetic chain exercises, passive range of motion, active and assistive range of motion, progressive resistive exercises, prolonged stretch, isokinetic, isotonic, or isometric strengthening exercises.
97112	Neuromuscular reeducation	Examples include, but are not limited to, facilitation techniques, NDT, Rood, Brunnstrom, PNF, and Feldenkrais.
97113	Aquatic therapy	This code applies to any water-based exercise program such as Hubbard Tank or pools.
97140	Manual therapy	In addition to the services included in the CPT manual incorporated by reference in part 5221.0405, item D, this code also includes, but is not limited to: myofascial release, joint mobilization and manipulation, manual lymphatic drainage, manual traction, soft tissue mobilization and manipulation, trigger point therapy, acupressure, muscle stimulation - manual (nonelectrical), and transverse friction massage. This code is not paid when reported with any of the osteopathic manipulative treatment (OMT) (98925-98929) or chiropractic manipulative treatment (CMT) (98940-98943) codes on the same region(s)/body part on the same day. This code may be paid when reported with CMT or OMT codes only if used on a different region(s)/body part on the same day and must be accompanied by CPT modifier 59 which identifies a distinct procedural service.
97150	Group therapeutic	Therapeutic procedure(s) for a group is used when two or more patients are present for the same type of service such as instruction in body mechanics training, or group exercises when participants are doing same type exercises, etc. There is no time definition for this code. Providers may charge only one unit, regardless of size of group, number of areas treated, or length of time involved.
97760	Orthotictraining	This code applies to fabrication, instruction in use, fitting, and care and precautions of the orthotic.
97530	Therapeutic activities	This code is used for treatment promoting functional use of a muscle, muscle group, or body part. This code is not to be used for PROM, active assistive ROM, manual stretch, or manual therapy. Examples for use of code: A patient has had rotator cuff repair. When treatment incorporates functional motion of reaching to increase range of motion and strength, 97530 should be used. A patient has a herniated disc. When treatment incorporates instruction in body mechanics and positioning and simulated activities to improve functional performance, 97530 should be used.

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CPT Code	CPT Description	Specific Instructions and Examples
97537	Community/ work	Community/work reintegration training includes jobsite analysis.
97545	Work hardening/ conditioning	Work hardening/conditioning units are for the initial two hours each visit. Codes 97545 and 97546 refer to services provided within a work hardening or work conditioning program described in part 5221.6500 <u>5221.6600</u> , subpart 2, item D.
97546	Work hardening/ conditioning	Work hardening/conditioning additional units are for each additional hour each visit. Refers to time beyond initial two hours of work conditioning or work hardening.

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

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

5221.4070 PHARMACY.

Subpart 1. **Substitution of generically equivalent drugs.** A generically equivalent drug must be dispensed according to Minnesota Statutes, section 151.21.

Subp. 1a. **Definitions.** The terms in this part have the following meanings:

A. ~~«Community/retail~~ Community/outpatient pharmacy” has the meaning given in ~~Minnesota Rules, part 6800.0100, subpart 2.~~

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

~~E. “Large hospital” is a hospital with more than 100 licensed beds.~~

~~F.~~ E. «Pharmacy» has the meaning given in Minnesota Statutes, section 151.01, and includes:

(1) ~~community/retail~~ community/outpatient pharmacies;

(2) hospital pharmacies; and

(3) persons or entities that the pharmacy has designated by contract or other means to act on its behalf to submit its charges to the workers’ compensation payer.

~~G.~~ F. «Practitioner» has the meaning given in Minnesota Statutes, section 151.01, and includes persons or entities that the practitioner has designated by contract or other means to act on its behalf to submit its charges to the workers’ compensation payer.

~~H.~~ G. «Usual and customary charge» has the meaning given in part 5221.0500, subparts 1, item B, and 2, item B, subitem (1).

~~I.~~ H. “Workers’ compensation payer” or “payer” means any of the following entities:

(1) the workers’ compensation insurer or self-insured employer liable for a claim under Minnesota Statutes, chapter 176;

(2) the special compensation fund liable for a claim under Minnesota Statutes, section 176.183, where the employer was uninsured at the time of the injury; or

(3) any other person or entity that the workers’ compensation payer has designated by contract or other means to act on its behalf in paying drug charges, or determining the compensability or reasonableness and necessity of drug charges under Minnesota Statutes, chapter 176.

Subp. 2. **Procedure code; usual and customary charge.**

A. Providers must use the procedure codes adopted under United States Code, title 42, sections 1320d to 1320d-8, as amended, that are in effect on the date the drug was dispensed. For drugs dispensed from a community/retail pharmacy, the procedure code is the applicable code in the National Drug Code Directory maintained and published by the federal Department of Health and Human Services, United States Food and Drug Administration. Procedure codes are not required for over-the-counter drugs.

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

Subp. 3. Maximum fee.

A. Except as provided in subparts 4 and 5 and Minnesota Statutes, section 176.136, subdivision 1b, the workers' compensation payer's liability for compensable prescription drugs dispensed for outpatient use by a ~~large~~ hospital pharmacy, practitioner, or ~~community/retail~~ community/outpatient pharmacy shall be limited to the lower of:

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

B. Except as provided in subparts 4 and 5 and Minnesota Statutes, section 176.136, subdivision 1b, the workers' compensation payer's liability for compensable over-the-counter drugs dispensed for outpatient use by a ~~large~~ hospital pharmacy, practitioner, or ~~community/retail~~ community/outpatient pharmacy shall be, on the date the drug was dispensed, the lower of:

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

C. Except as provided in subpart 5, the workers' compensation payer's liability for compensable prescription drugs provided for to an inpatient use by a ~~large~~ hospital is governed by ~~part 5221.0500, subpart 2,~~ and Minnesota Statutes, sections 176.136, subdivision 1b, and 176.1362. The maximum fee for drugs dispensed for use at home, to an inpatient being discharged, is governed by item A or B, or subpart 4, as applicable.

D. Except as provided in subpart 5, the workers' compensation payer's liability for compensable prescription drugs provided by a ~~small~~ hospital is governed by ~~part 5221.0500, subpart 2,~~ and Minnesota Statutes, section 176.136.

Subp. 4. Maximum fee for electronic transactions.

A. The maximum fee specified in this item applies only if the requirements of item B or D are met. Except as provided in subpart 5, the workers' compensation payer's liability under items B and D for compensable drugs dispensed for outpatient use by a large hospital pharmacy, a practitioner, or a ~~community/retail~~ community/outpatient pharmacy shall be, on the date the drug was dispensed, the lower of:

(1) the average wholesale price (AWP) of the drug minus 12 percent, and a professional dispensing fee of \$3.65 per prescription filled;

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

B. The maximum fee specified in item A applies if:

(1) the pharmacy or practitioner electronically requests authorization for payment of the drug from the workers' compensation payer, according to the referral certification and authorization standards that apply to retail outpatient pharmacies in Code of Federal Regulations, title 45, part 162, subpart M, as amended the NCPDP Version D, Release 0 format, and the corresponding uniform companion guide adopted by the Minnesota Department of Health under Minnesota Statutes, sections 62J.536 and 62J.61; and

(2) the workers' compensation payer, electronically and in real time, authorizes payment for the drug according to the referral certification and authorization standards in Code of Federal Regulations, title 45, part 162, subpart M, as amended the NCPDP Version D, Release 0 format, and the corresponding uniform companion guide adopted by the Minnesota Department of Health under Minnesota Statutes, sections 62J.536 and 62J.61.

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

D. If the requirements in item B have not been met, the maximum fee specified in item A also applies if all of the following requirements are met:

(1) the pharmacy or practitioner requests electronic authorization according to the referral certification and authorization standards in Code of Federal Regulations, title 45, part 162, subpart M, from any paying entity, whether or not under chapter 176, the NCPDP Version D, Release 0 format, and the corresponding uniform companion guide adopted by the Minnesota Department of Health under Minnesota Statutes, sections 62J.536 and 62J.61;

[For text of subitems (2) to (4), see M.R.]

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

[For text of subp 5, see M.R.]

EFFECTIVE DATE. The adopted rules are effective upon publication in the State Register.

Official Notices

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

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

Minnesota Department of Agriculture (MDA) Notice of Comment Period for the Proposed Emerald Ash Borer Quarantine in Goodhue County

The Minnesota Department of Agriculture (MDA) is accepting comments on the current state emergency quarantine for emerald ash borer, *Agilus planipennis* (Fairemaire), in Goodhue County and the proposed state formal quarantine to be implemented May 1, 2017.

Oral and written comments regarding the proposed regulations will be accepted via email, phone or fax through **April 17, 2017**. Submit comments to Kimberly Thielen Cremers, Minnesota Department of Agriculture, 625 Robert Street North, St Paul, MN 55155, email: kimberly.tcremers@state.mn.us, phone: (651)201-6329, fax: (651)201-6108.

For more information on emerald ash borer, including a copy of the emergency quarantine, visit the Minnesota Department of Agriculture website at www.mda.state.mn.us/eab.

Department of Health

Division of Health Regulation – Managed Care Systems Section Notice of Application for Essential Community Provider Status

NOTICE IS HEREBY GIVEN that an application for designation as an Essential Community Provider (ECP) has been submitted to the Commissioner of Health by The BabyLove Alliance, LTD., 4590 Scott Trail, #102, Eagan, MN 55122.

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

For more information contact:

Anne Kukowski
Managed Care Systems Section
Division of Health Regulation
Minnesota Department of Health
P.O. Box 64882
St. Paul, MN 55164-0882
651-201-5173

Department of Health

Division of Health Regulation – Managed Care Systems Section Notice of Application for Essential Community Provider Status

NOTICE IS HEREBY GIVEN that an application for designation as an Essential Community Provider (ECP) has been submitted to the Commissioner of Health by HealthFinders Collaborative, Inc., 223 Central Avenue, Faribault, MN 55021.

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

For more information contact:

Anne Kukowski
Managed Care Systems Section
Division of Health Regulation
Minnesota Department of Health
P.O. Box 64882
St. Paul, MN 55164-0882
651-201-5173

Department of Labor and Industry Labor Standards Unit Notice of Correction to Commercial Prevailing Wage Rates

Corrections have been made to the Commercial Wage Rates certified 12/27/2016 for;

Carpenters, (Labor Code 704) in Koochiching and Wadena counties

Electricians, (Labor Code 707) in Benton, Cass and Sherburne counties

Lather, (Labor Code 710) in Goodhue County

Roofers, (Labor Code 720) in Isanti and St. Louis counties

Tile Setters, (Labor Code 724) in Mille Lacs and Sherburne counties

Tile Finishers, (Labor Code 725) in Mille Lacs County

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

KEN B. PETERSON
COMMISSIONER

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 five habitat stamp contests** conducted by the DNR are as follows:

1. Year **2018 Trout and Salmon Stamp Contest**. Entries will be accepted beginning **Monday, July 17, 2017 and continuing until 4:00 P.M. Friday, July 28, 2017** at the Minnesota Department of Natural Resources, Division of Fish and Wildlife, 500 Lafayette Road, Box 20, St. Paul Minnesota, 55155-4020. The judging will take place Thursday, August 3, 2017, at the Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, Minnesota. Brook Trout designs are not eligible this year.
2. Year **2018 Migratory Waterfowl Stamp Contest**. Entries will be accepted beginning **Monday, August 21, 2017, and continuing until 4:00 P.M. Friday, September 1, 2017**, at the Minnesota Department of Natural Resources, Division of Fish and Wildlife, 500 Lafayette Road, Box 20, St. Paul, Minnesota, 55155-4020. The judging will take place Thursday, September 7, 2017, at the Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, Minnesota, 55155-4020. The White-Winged Scoter is the only eligible species for depiction on the 2018 Minnesota Waterfowl Stamp.

Official Notices

3. Year **2018 Pheasant Habitat Stamp Contest**. Entries will be accepted beginning **Monday, September 5, 2017, and continuing until 4:00 P.M. Friday, September 15, 2017** at the Minnesota Department of Natural Resources, Division of Fish and Wildlife, 500 Lafayette Road, Box 20, St. Paul, Minnesota, 55155-4020. The judging will take place Thursday, September 21, 2017, at the Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, Minnesota, 55155-4020.

4. Year **2018 Walleye Habitat Stamp Contest**. Entries will be accepted beginning **Monday, October 9, 2017, and continuing until 4:00 P.M. Friday, October 20, 2017**, at the DNR Division of Fish and Wildlife, 500 Lafayette Road, Box 20, St. Paul, Minnesota, 55155-4020. The judging will take place Thursday, October 26, 2017 at the Minnesota DNR Office, 500 Lafayette Road, St. Paul, Minnesota, 55155-4020.

5. Year **2019 Turkey Habitat Stamp Contest**. Entries will be accepted beginning **Monday, December 04, 2017, and continuing until 4:00 P.M. Friday, December 15, 2017**, at the Minnesota DNR, Division of Fish and Wildlife, 500 Lafayette Road, Box 20, St. Paul, Minnesota, 55155-4020. The judging will take place Thursday, December 21, 2017 at the Minnesota DNR Office, 500 Lafayette Road, St. Paul, Minnesota, 55155-4020. All entries for the contest 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, Minnesota, 55155-4020; or by calling the DNR at (651) 296-6157. The contest application and information are also available on the DNR website at <http://www.dnr.state.mn.us/contests/stamps.html>.

Date: May 1, 2017

Steve Merchant
Division of Fish and Wildlife
Department of Natural Resources

Teachers Retirement Association Notice of Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on **Wednesday, April 12, 2017 at 9:30 a.m.** in Suite 400, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the Board. Board members may participate by telephone.

Teachers Retirement Association TRA Audit Committee Notice of Meeting

The Minnesota Teachers Retirement Association Audit Committee will hold a meeting on **Tuesday, April 11, 2017 at 9:30 a.m.** in Room 414, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the committee. Committee members may participate by telephone.

Board of Water and Soil Resources (BWSR) Local Road Wetland Replacement Program: Notification of Wetland Bank Service Area Opening

Effective March 11, 2017, the Board of Water and Soil Resources (BWSR) will provide wetland replacement statewide for eligible county, city and township road projects under the Local Road Wetland Replacement Program (LRWRP). The four wetland bank service areas (BSAs) that were previously closed or proposed to be closed are now open.

Background

BWSR adopted a Management Plan for the LRWRP on October 27, 2016. This Plan was adopted to strategically manage the remaining wetland credits in the LRWRP given the shortage of credits that resulted from systemic underfunding of this program. The Plan includes the following measures:

- Ended the practice of using credits from one BSA to replace eligible impacts in another BSA; and
- Established a process to close and open BSAs for providing wetland replacement based on the amount of credits available in that BSA.

Since adoption of the Plan, BWSR has closed or proposed closing the following wetland bank service areas:

- BSA 4 – Upper Red River (Effective December 2, 2016)
- BSA 6 – St. Croix River (Effective December 2, 2016)
- BSA 9 – Minnesota River (Effective February 2, 2017)
- BSA 7 – Middle Mississippi River (Effective March 15, 2017)

Status

The Minnesota Legislature has responded to the funding shortfall by passing legislation that has been signed by Governor Dayton. Laws of Minnesota 2017, Chapter 7 contains the following provisions:

Section 1. Until BWSR establishes wetland bank credits in all BSA's that are adequate to meet the statutory obligation to replace wetland impacts resulting from eligible county, city and township road projects:

- (1) It must use wetland credits from one BSA to meet the wetland replacement obligation for local roads to the extent permitted under state and federal law; and
- (2) The draining and filling of wetlands for local road projects determined to be eligible for the LRWRP are exempt from replacement when authorized by a Clean Water Act Section 404 general permit and compensatory mitigation under the Section 404 program is not required.

Section 2. \$5.0 million is appropriated to BWSR to acquire wetland credits for the LRWRP.

Immediate Changes

This legislation and its associated funding will result in the following changes to BWSR management of the LRWRP.

Statewide Wetland Replacement will be provided for eligible projects

The immediate availability of funding, combined with Section 1, paragraph (1) eliminates the need for the Plan adopted by the BWSR Board on October 27, 2016. This means that BWSR will return to the practices employed prior to the adoption of the Plan and use LRWRP credits to replace all eligible county, city and township road projects consistent with federal or state law.

This change should have little immediate impact on implementation of the LRWRP:

- Since the current replacement credit shortage leaves little potential to use credits from adjacent BSAs because of restrictions imposed under both state and federal law; and
- As project review and reporting requirements remained in place during implementation of the Plan, and only one project was formally notified that replacement would not be provided by the LRWRP.

Given the passage of this legislation, the BWSR Board will consider rescinding the Management Plan at its March 22, 2017 meeting.

Clean Water Act Section 404 General Permit Exemption

Section 1 paragraph (2) effectively exempts certain LRWRP eligible county, city, and township projects from needing to obtain WCA replacement when those projects are authorized by a Section 404 general permit and for which compensatory mitigation is not required under Section 404. Note that this does not affect the reporting of project impacts to BWSR. BWSR will obtain verification from the Corps of the Section 404 general permit authorization to proceed with compensatory mitigation and to ensure that replacement credits are not used for these activities.

Short-Term Actions

Purchase of Existing Credits from the Wetland Bank

BWSR has been appropriated \$5.0 million in State General Funds to acquire wetland credits currently available in the Wetland Bank to meet the immediate needs of the LRWRP. BWSR's goal is to ensure that a minimum one-year supply of credits is available in all wetland bank service areas based on historical program usage. Wetland credits will be acquired through a request for proposals process that will begin in late March and conclude with the acquisition of credits in May.

BWSR will continue to monitor the wetland credit status of each BSA and, to the extent funds and wetland credits are available, make additional acquisitions as the need arises.

Official Notices

Finally, BWSR will continue to coordinate regulatory processes associated with wetland replacement for local road projects as we have always done with the Corps. This coordination is important to make sure that local road projects are not delayed due to these processes.

Longer-Term Actions

The appropriation made in Laws of Minnesota 2017, Chapter 7 is a short term fix to the systemic funding shortfalls this program has experienced. Substantial additional funding is required this year, and continuing in future years, to develop wetland credit balances in all BSAs at a level that provides stability and confidence that this program will have the capacity to comply with statutory obligations and meet the needs of local road authorities.

To this point, Governor Dayton has proposed \$10 million in the capital budget for the LRWRP, and several bills have been introduced that include this level of funding.

State Grants & Loans

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

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

Minnesota Department of Agriculture (MDA) Notice of Request for Proposals (RFP) for the Biofuels Infrastructure Partnership Grant Program

NOTICE IS HEREBY GIVEN that the Minnesota Department of Agriculture is requesting applications for grants for the purchase and installation ethanol compatible pump/underground storage tank installations retrofitting fuel pumps, and adding or replacing existing fueling pumps/underground storage tanks for the purpose of offering E15 and E85 for retail sales.

Purpose

The Minnesota Biofuels Infrastructure Partnership Grant Program (BIP) is funded by the United States Department of Agriculture, the State of Minnesota, and private-sector partners for the primary purpose of increasing consumption of biofuel in the form of ethanol.

Details of award amounts and grantee requirement are included in the new Request for Proposals (RFP).

The RFP and associated application materials can be accessed through the MDA RFP website: <http://www.mda.state.mn.us/grants/grants/blenderpump.aspx>. The deadline for final submission is **Friday, June 30, 2017, at 4:00 pm**, or until funds are depleted, whichever comes first. Applications will be reviewed and awards made periodically over that time.

Minnesota Department of Human Services Alcohol and Drug Abuse Division (ADAD) Notice of Request for Proposals for Qualified Grantee(s) for the Minnesota State Targeted Response4 to the Opioid Crisis (MN Opioid STR)

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals to:

Coordinate Rule 25 assessments for people experiencing Opioid Use Disorder (OUD);

Care Coordination for people experiencing Opioid Use Disorder (OUD);

Expansion of peer recovery services statewide for people experiencing Opioid Use Disorder (OUD);

State Grants & Loans

Services for persons recently released from incarceration experiencing Opioid Use Disorder (OUD);

Bridge services for people experiencing Opioid Use Disorder (OUD) transitioning from detoxification settings;

Expanded Office-Based Opioid Treatment (OBOT)/Medication Assisted Treatment (MAT);

Project ECHO (Extension for Community Healthcare Outcomes) Hubs;

Expanded Naloxone Treatment;

Innovative Response to Minnesota's Opioid Epidemic.

Work is proposed to start July 1, 2017. For more information, or to obtain a copy of the Request for Proposal, contact:

Dave Rompa
Department of Human Services
Alcohol and Drug Division
P.O. Box 64977
444 Lafayette Road North, St. Paul, MN 55155-0977
Phone: (651) 431-2378 Fax: (651) 431-7449
Dave.rompa@state.mn.us

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

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, April 28, 2017. Late proposals will not be considered.** Faxed or e-mailed proposals will **not** be considered.

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP web site:
http://www.dhs.state.mn.us/id_000102

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

State Contracts

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

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

Requirements: There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements: \$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600 \$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days; \$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days.

Minnesota State Colleges and Universities (MnSCU)

Central Lakes College

Request For Proposal for Food and Catering Services - Brainerd Campus

Central Lakes College is requesting proposals for Food and Catering Services at the Brainerd Campus. A copy of the Request For Proposals may be obtained by contacting Debbie Sterriker at Central Lakes College, 1830 Airport Road, Staples, MN 56479, 218-894-5103.

Proposals must be submitted no later than **April 4, 2017 at 2:00 PM. CST**. All proposals must be sealed and marked "RFP for Food and Catering Services-Brainerd Campus". Submit proposals to:

Central Lakes College
Attn: Christina Anderson
501 W College Drive
Brainerd, MN 56401

The college reserves the right to reject any or all proposals, to waive any information or irregularities in the bidding and to make the award serving the best interest of the college.

Central Lakes College is an affirmative action/equal opportunity employer and educator. These materials are available in alternative formats to individuals with disabilities upon request. If you use a TTY, call the Minnesota Relay Service at 800-627-3529 and request to contact Central Lakes College.

Minnesota State Colleges and Universities (MnSCU)

Central Lakes College

Request For Proposal for Food and Catering Services - Staples Campus

Central Lakes College is requesting proposals for Food and Catering Services at the Staples Campus. A copy of the Request For Proposals may be obtained by contacting Debbie Sterriker at Central Lakes College, 1830 Airport Road, Staples, MN 56479, 218-894-5103.

Proposals must be submitted no later than **April 5, 2017 at 2:00 PM. CST**. All proposals must be sealed and marked "RFP for Food and Catering Services-Staples Campus". Submit proposals to:

Central Lakes College
Attn: Christina Anderson
1830 Airport Road
Staples, MN 56479

The college reserves the right to reject any or all proposals, to waive any information or irregularities in the bidding and to make the award serving the best interest of the college.

Central Lakes College is an affirmative action/equal opportunity employer and educator. These materials are available in alternative formats to individuals with disabilities upon request. If you use a TTY, call the Minnesota Relay Service at 800-627-3529 and request to contact Central Lakes College.

Minnesota State Colleges and Universities (MnSCU) Minneapolis Community and Technical College (MCTC) Request for Proposal for Marketing and Advertising Services in Media Planning and Strategy

PROJECT NAME: Consultation, Design and Configuration of College Website Content Management System and Website Redesign

DETAILS: The College is seeking proposals from qualified firms to provide consultation, design and configuration of College website Content Management System and website redesign. This Request for Proposals (RFP) outlines basic requirements for services to be provided. The College is the client and makes no guarantee as to the number and size of projects which may be awarded under this proposal. The College may elect to use in-house services and resources, including students and staff, for all or part of any project. The College's Marketing Communications Department will be the firm's point of contact throughout the contract and will coordinate the professional services required of the firm. The term for the agreement will be one (1) year with an option to renew for one (1) additional one-year terms if mutually agreed upon by the College and the firm.

Full RFP is available on the following site:

<http://www.mnscu.edu/system/csc/sourcing/RFP.html>

PROPOSAL DEADLINE: Proposals submitted in response to the Request for Proposals in this advertisement must be received no later than **12pm on Monday, April 3, 2017. Late proposals will not be considered. E-mailed or Faxed proposals will not be considered.** This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota State Colleges and Universities (MnSCU) St. Cloud Technical & Community College Formal Request for Proposal for Carpentry House Built on Blocks

Response Due Date and Time: **Friday, April 7, 2017 at 2:00 p.m. Central Time**

The complete Request for Proposal will be available on Monday, March 6, 2017 on the website <http://www.sctcc.edu/rfp>.

Title of Project: Carpentry House Built on Blocks

Geographic Location Requirements: St. Cloud Technical & Community College, 1540 Northway Drive, St. Cloud, MN 56303

Responses must be received at the location listed below:

St. Cloud Technical & Community College
1540 Northway Drive
St. Cloud, MN 56303
Susan Meyer, Purchasing Agent, Room 1-401
Phone: (320) 308-5973
Fax: (320) 308-5027
E-mail: smeyer@sctcc.edu

Contact for questions: Susan Meyer, Phone: (320) 308-5973 e-mail: smeyer@sctcc.edu

Your response to this Request for Proposal (RFP) must be returned sealed. Sealed responses must be received no later than the due date and time specified above. Late responses cannot be considered and the responses will be rejected.

State Contracts

The laws of Minnesota and MnSCU Board of Trustees policies and procedures apply to this RFP.

All attached General RFP Terms and Conditions, Specifications and Special Terms and Conditions are part of the RFP and will be incorporated into any contract(s) entered into as a result of this RFP.

All responses to this RFP must be prepared as stated herein and properly signed. **Address all correspondence and inquiries regarding this RFP to the Contact person above. This is a request for responses to an RFP and is NOT a purchase order.**

State Guardian ad Litem Board

Notice of Request for Proposals for Child Development Consultation Services for the State Guardian Ad Litem Board

The *State Guardian ad Litem Board* was established by legislation (*Minnesota Statutes* 480.35) in 2010 to administer a state-wide, independent guardian ad litem program to advocate for the best interests of children in juvenile and family courts.

NOTICE IS HEREBY GIVEN that the *State Guardian ad Litem Board* is seeking proposals from one or more qualified persons or entities to contract for the provision of child development consultation to Guardians ad Litem, and the State Guardian ad Litem Program, in the carrying out of the statutory duties of their roles. The proposal shall be submitted for a 24 month period from July 1, 2017, to June 30, 2019.

Your proposal must be submitted in writing in a sealed envelope and postmarked on or before Wednesday, April 19, 2017, if mailed, and it must be received in our office no later than **4:30 p.m. on Friday, April 21, 2017**.

Call or write for the full RFP or visit the following Web site to access a complete version of the Request for Proposals.

<http://mn.gov/guardian-ad-litem/notices/>

For more information or to request a copy of the RFP, contact:

Suzanne Alliegro
Program Administrator
State Guardian ad Litem Board
25 Rev. Dr. Martin Luther King Jr. Blvd., Suite G-27
St. Paul, MN 55155
Phone: (651) 215-9467
Suzanne.alliegro@courts.state.mn.us

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

State Guardian ad Litem Board

Notice of Request for Proposals for Legal Consultation and Representation Services for the State Guardian Ad Litem Board

The *State Guardian ad Litem Board* was established by legislation (*Minnesota Statutes* 480.35) in 2010 to administer a state-wide, independent guardian ad litem program to advocate for the best interests of children in juvenile and family courts.

NOTICE IS HEREBY GIVEN that the *State Guardian ad Litem Board* is seeking proposals from one or more qualified persons or entities to contract for the provision of legal consultation to and representation of, Guardians ad Litem and the District Guardian ad Litem Programs, in the carrying out of the statutory duties of their roles. The proposal shall be submitted for a 24 month period from July 1, 2017, to June 30, 2019.

Your proposal must be submitted in writing in a sealed envelope and postmarked on or before Wednesday, April 19, 2017, if mailed, and it must be received in our office no later than **4:30 p.m. on Friday, April 21, 2017**.

Call or write for the full RFP or visit the following Web site to access a complete version of the Request for Proposals.

<http://mn.gov/guardian-ad-litem/notices/>

For more information or to request a copy of the RFP, contact:

Suzanne Alliegro
Program Administrator
State Guardian ad Litem Board
25 Rev. Dr. Martin Luther King Jr. Blvd., Suite G-27
St. Paul, MN 55155
Phone: (651) 215-9467
Suzanne.alliegro@courts.state.mn.us

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

State Guardian ad Litem Board

Notice of Request for Proposals Provision of Indian Child Welfare Act Consultation Services for the State Guardian ad Litem Board

The *State Guardian ad Litem Board* was established by legislation (*Minnesota Statutes* 480.35) in 2010 to administer a state-wide, independent guardian ad litem program to advocate for the best interests of children in juvenile and family courts.

NOTICE IS HEREBY GIVEN that the *State Guardian ad Litem Board* is seeking proposals from one or more qualified persons or entities to contract for the provision of Indian Child Welfare Act (ICWA) consultation services to Guardians ad Litem, and the State Guardian ad Litem Program, in the carrying out of the statutory duties of their roles. The proposal shall be submitted for the period of July 1, 2017 through June 30, 2019.

The proposal must be postmarked on or before Wednesday, April 19, 2017, if mailed, and it must be received in our office no later than **4:30 p.m. on Friday, April 21, 2017**. Proposals will be opened the following business day and once opened become accessible to the public. Do not place any information in your proposal that you do not want revealed to the public.

Late proposals will not be accepted.

Call or write for the full RFP or visit the following Web site to access a complete version of the Request for Proposals.

<http://mn.gov/guardian-ad-litem/notices/>

For more information or to request a copy of the RFP, contact:

Suzanne Alliegro
Program Administrator
State Guardian ad Litem Board
25 Rev. Dr. Martin Luther King Jr. Blvd., Suite G-27
St. Paul, MN 55155
Phone: (651) 215-9467
Suzanne.alliegro@courts.state.mn.us

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

State Contracts

Minnesota Department of Transportation (Mn/DOT)

Engineering Services Division

Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (“Consultant Pre-Qualification Program”)

This document is available in alternative formats for persons with disabilities by calling Kelly Arneson at (651) 366-4774; for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop the Consultant Pre-Qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects.

Nothing in this solicitation requires Mn/DOT to use the Consultant Pre-Qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT’s Consultant Services web site, indicated below, to expenses are incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and applications forms are available on Mn/DOT’s Consultant Services web site at: <http://www.dot.state.mn.us/consult>.

Send completed application material to:

Kelly Arneson
Consultant Services
Office of Technical Support
Minnesota Department of Transportation
395 John Ireland Blvd. - Mail Stop 680
St. Paul, MN 55155

Minnesota Department of Transportation (Mn/DOT)

Engineering Services Division

Notice Concerning Professional/Technical Contract Opportunities and Taxpayers’ Transportation Accountability Act Notices

NOTICE TO ALL: The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT’s Consultant Services **website** at: www.dot.state.mn.us/consult

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

Non-State Public Bids, Contracts & Grants

The State Register also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

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

Hennepin County Staff Consultant Selection Group Advertisement for A/E Services

The Hennepin County Staff Consultant Selection Group will be selecting architectural/facility planning firms for strategic office facilities planning services for the following project:

- Hennepin County Office Facilities Study
Supporting Innovation & Change in the Delivery of Public Services

To obtain a Request for Proposal, please access the Hennepin County internet site at www.hennepin.us. From the County home page, search for "DSC" in the search box in the middle of the page. From the Hennepin County Designer Selection Committee page, you may view and print the RFP for your use.

A letter of interest is not required for RFP noted above. All proposals received by the deadline noted in the RFP will be reviewed by the Staff Consultant Selection Group. If you experience difficulty locating or downloading the RFP, you may call Adam Sobiech, Hennepin County Facility Services, at 612-348-3172.

Metropolitan Airports Commission (MAC) Notice of Call for Bids for 2017 Conveyance System Upgrades P7 / 2017 G Concourse Storage

Airport Location: Minneapolis-St. Paul International Airport
Project Name: 2017 Conveyance System Upgrades P7 / 2017 G Concourse Storage
MAC Contract No: 106-2-828 / 106-2-832
Bids Close At: 2:00 p.m. on Tuesday, April 11, 2017

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040-28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. The work of this project includes two distinct areas of scope identified as the "2017 Conveyance System Upgrades P7" scope and the "2017 G Concourse Storage" scope.

Note: You can sign up on our Web site (www.metroairports.org) to receive email notifications of new business opportunities or go directly to https://public.govdelivery.com/accounts/MNORGMAC/subscriber/topics?gsp-CODE_RED and choose this and other topics about which you are interested.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of TGB on this project is 6%.

Bid Security: Each bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the Metropolitan Airports Commission in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of Alliance; at the Minnesota Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a

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

complete set from: Franz Reprographics; 2781 Freeway Boulevard, Suite 100; Brooklyn Center, MN 55430; PH: 763.503.3401; FX: 763.503.3409. Make checks payable to: Alliiance. Deposit per set (refundable): \$150. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on March 20, 2017, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).



Several convenient ways to order:

- **Retail store** Open 8 a.m. - 3 p.m. Monday - Friday, 660 Olive Street, St. Paul
- **Phone** (credit cards): 8 a.m. - 4 p.m. Monday - Friday, 651.297.3000 (Twin Cities) or 1.800.657.3757 (nationwide toll-free)
- **On-line orders:** www.minnesotasbookstore.com
- **Minnesota Relay Service:** 711
- **Fax** (credit cards): 651.215.5733 (fax line available 24 hours)
- **Mail orders:** Orders can be sent to Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155

Minnesota's Bookstore accepts VISA, MasterCard, American Express & Discover for all purchases.

PREPAYMENT REQUIRED. *Prices and availability subject to change.* **Fax and phone orders** require credit card.

Please allow 1-2 weeks for delivery. For **mail orders**, complete order blank and send to address above.

Enclose payment - for security reasons, we do not recommend mailing credit card information.

Please allow 2-3 weeks for delivery.

Please make checks payable to "Minnesota's Bookstore."

A \$20.00 fee will be charged for returned checks.