

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**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;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 26 June 2017

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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- Withdrawn Rules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)
# 1	Monday 3 July	Noon Tuesday 27 June	Noon Thursday 22 June
# 2	Monday 10 July	Noon Tuesday 4 July	Noon Thursday 29 June
# 3	Monday 17 July	Noon Tuesday 11 July	Noon Thursday 6 July
# 4	Monday 24 July	Noon Tuesday 18 July	Noon Thursday 13 July

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<http://www.mncourts.gov>

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Federal Register

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U.S. Government Printing Office – Fax: (202) 512-1262
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Minnesota Rules: Amendments and Additions ..1474	Minnesota State Colleges and Universities (MnSCU) Request for Proposals for Financial Advising Services - Revenue Fund 1510 Request for Proposals for Qualified Vendors to Develop Style Guide for Minnesota State Transfer Pathways Program 1510
Proposed Rules	
Board of Cosmetologist Examiners Proposed Permanent Rules Relating to Licensing Advanced Estheticians; Notice to Adopt Without a Public Hearing 1475	Anoka Ramsey Community College Notice of Request for Proposals (RFP) for Roof Replacement Design Services 1511
Appointments	
Office of the Governor Notice of Appointment 1497	Century College Notice of Request for Proposals for Child Care 1511
Official Notices	
Department of Human Services (DHS) Minnesota's Draft FY2018-2019 Community Services Block Grant State Plan Available for Public Inspection and Comment, Public Hearing July 26, 2017..... 1498 Public Notice Regarding Changes to Payment Rates and Methodologies, and Services under the Medical Assistance Program 1498 Public Notice Regarding Changes to Payment Rates and Methodologies, and Services under the Medical Assistance Program and the MinnesotaCare Program 1499	Hennepin Technical College – Brooklyn Park Campus Notice of Availability of Request for Proposals (RFP) for a Roofing Design Team for 2017 Main Building Area C1 Roof Replacement Project 1512
Minnesota Pollution Control Agency REQUEST FOR COMMENTS on Possible Amendments to Rules Governing Water Quality Fees, Minnesota Rules, Chapters 7002 and 7083; Revisor's ID Number R-04476..... 1504	Saint Paul College Request for Bids for Electromechanical Systems Equipment 1512
Minnesota Department of Transportation (MnDOT) Notice of Solicitation for Public Review and Comment on the Draft State Transportation Improvement Program (STIP) for State Fiscal Years 2018-2019-2020-2021 (July 1, 2017 through June 30, 2021) 1507	Minnesota Historical Society (MNHS) Request for Proposals for Hazardous Materials Survey for the Historic Fort Snelling Revitalization 1512
State Grants & Loans	Office of the Revisor of Statutes Notice of Request for Business Process Analyst Contractor 1513
Department of Human Services (DHS) Notice of Request for Proposals to Evaluate the Minnesota Model of School-Based Diversion for Students with Co-Occurring Disorders 1508 Notice of Request for Proposals to Pilot the Minnesota Model of School-Based Diversion for Students with Co-Occurring Disorders 1508	Minnesota Department of Transportation (Mn/DOT) Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities ("Consultant Pre-Qualification Program")..... 1513 Notice Concerning Professional/Technical Contract Opportunities and Taxpayers' Transportation Accountability Act Notices 1514
State Contracts	Non-State Public Bids, Contracts & Grants
Department of Administration Notice of Availability of RE-SOLICITATION of Request for Qualifications (RFQ) for Construction Manager at Risk for Infrastructure Improvements at MDA/MDH Lab Building 1509	Dakota County Notice Of Request For Letter of Interest (LOI) For Psychosexual Evaluation Service 1514
	Metropolitan Airports Commission (MAC) Notice of Call for Bids for 2017 Runway 12R-30L Tunnel Drainage Improvements... 1515 Public Notice for Request for Bid to operate an On-Airport Rental Auto Concession .. 1516

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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, #52

Tuesday 3 January - Monday 26 June

Board of Accountancy

1105 (proposed) 1421

Office of Administrative Hearings

1408 (proposed) 1283

Department of Agriculture

1505.2300 (adopted exempt) 1018

Board of Barber Examiners

2100 (proposed expedited) 1251

Board of Cosmetology

2105.0395 (adopted) 1087

2105; 2110 (proposed) 1475

Board of Dentistry

3100.3600; .5100; .6300 (proposed) 947

Board of Electricity

1315.0200 (adopted) 925, 1459

Department of Health

4605.7000; .7030; .7040; .7060; .7075; .7090; .7400; .7700; .7900 (adopted) 829

Office of Higher Education

4830.9100; .9110; .9120; .9130 (adopted) 995

Department of Human Services

9502.2240 (adopted exempt) 884

Department of Labor and Industry

1309.0313 (adopted exempt) 1399

5205.0010 (proposed exempt) 1347

5219; 5221 (adopted exempt) 1127

5225.1180 1081

Department of Natural Resources

6230.0200; 6236.0300; .0600; .0810; .1000 (expedited emergency) 857

6230.0400; .0600; .0700; 6234.0800; 6240.0200; .0250; .0610; .0630; .0640; .0950; .1850; .2000 (expedited emergency) 1376

6232.2800; .3000; .3055; .3100; .3200 (expedited emergency) 1373

6232.4300; .4400 (expedited emergency) 1434

6236.1060; .1075 (adopted expedited) 1171

6264.0050 (adopted expedited) 995

6264.0300; .0400 (adopted exempt) 1019

6264.0400 (adopted expedited) 1287

Board of Nursing

6305; 6310 (proposed) 1309

Racing Commission

7869.0100; .0200; 7871.0010; 7879.0200; 7883.0100; .0140; 7884.0230; .0260; 7890.0110; 7897.0120; .0130; .0150 (adopted) 1099, 1322

7869; 7870; 7871; 7873; 7874; 7875; 7876; 7877; 7878; 7883; 7884; 7890; 7892; 7895; 7899 (adopted) 1107, 1322

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.

Board of Cosmetologist Examiners

Proposed Permanent Rules Relating to Licensing Advanced Estheticians; Notice to Adopt Without a Public Hearing

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; OAH Docket No. 65-9013-33230 Revisor R-4342

Proposed Permanent Rules on Advanced Practice Esthetics Licenses, Application for License; Grandfathering, Curriculum and Practices; and Proposed Amendments to Rules Governing the Practice of Cosmetologists, Estheticians, Nail Technicians, and Schools; Advertising; Infection Control; and Curriculum Requirements for Cosmetologists and Estheticians, *Minnesota Rules*, chapters 2105 and 2110; including the proposed repeal of parts 2105.0010, subpart 3a; and 2105.0420.

Introduction. The Board of Cosmetologist Examiners intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by **4:30 p.m. on August 1, 2017**, the Board will hold a public hearing in the boardroom at the Board offices at 1000 University Avenue West, Suite 100, St. Paul, Minnesota 55104 starting at **10 a.m. on Friday, October 27, 2017**. To find out whether the Board will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after August 14, 2017, and before October 17, 2017.

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to Rebecca Gaspard at rebecca.gaspard@state.mn.us, phone 651-201-2751, or Board of Cosmetologist Examiners, 1000 University Avenue West, Suite 100, St. Paul, Minnesota, 55104, or faxed to 612-617-2601. TTY users may call 1-800-627-3529.

Subject of Rules. The proposed new rules, rules amendments, and repeals of rules are about the licensure, practice,

Proposed Rules

grandfathering, curriculum, application requirements, scope of practice of advanced practice estheticians; advanced practice esthetician salons; infection control requirements; esthetic curriculum requirements; scope of practice for all practitioners; advertising; designated licensed salon managers; housekeeping changes; and school requirements for advanced practice esthetic programs.

The proposed changes will affect all cosmetologists and estheticians who are providing advanced practice esthetic services, applicants for advanced practice esthetician licenses including salon managers and instructors, salons offering advanced practice esthetic services, schools, and individuals advertising services.

Statutory Authority. *Minnesota Laws 2015*, chapter 77, article 2, section 81 requires the board to adopt rules governing the advanced practice esthetician license, including the educational and training requirements, scope of practice, and the conditions and process of issuing and renewing the license. *Minnesota Statutes*, section 155A.26 provides that the Board may develop and adopt rules according to chapter 14 that the Board considers necessary to carry out sections 155A.21 to 155A.36. In addition, the Board's statutory authority to adopt rules is stated in *Minnesota Statutes*, section 155A as follows:

§155A.27 Subd. 2., which states: Qualifications for licensing in each classification shall be determined by the board and established by rule, and shall include educational and experiential prerequisites. The rules shall require a demonstrated knowledge of procedures necessary to protect the health of the practitioner and the consumer of cosmetology services, including but not limited to chemical applications

§155A.29 Subd. 3., which states: Minimum infection control standards for the operation of a salon shall be established by rule.

§155A.30 Subd. 2., which states: The board shall by rule establish minimum standards of course content and length specific to the educational preparation prerequisite to testing and licensing as cosmetologist, esthetician, and manicurist.

Copies of rule drafts. The rules drafts are available on the board's website at www.bceboard.state.us.mn and at the Board's offices. Links to the rules drafts are included in the email notification of licensees and parties on the Board's rulemaking email list. A free copy may be requested by emailing bce.board@state.mn.us; or by calling the agency contact person listed above. A copy of the proposed rules is published in the *State Register* on June 26, 2017.

Comments. You have until **4:30 p.m. on Tuesday, August 1, 2017**, to submit written comment in support of, or in opposition to, the proposed rules or any part or subpart of the rules.

Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Board hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by **4:30 p.m. on Tuesday, August 1, 2017**. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

Proposed Rules

Cancellation of Hearing. The Board will cancel the hearing scheduled for 10 a.m. on Friday, October 27, 2017, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also check the Board's website at www.bceboard@state.mn.us or call the agency contact person at 651-201-2751 after Monday, August 14, 2017, to find out whether the hearing will be held. On the scheduled day, you may check for whether the hearing will be held by going on-line at www.bceboard@state.mn.us

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Board will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Board will hold the hearing in the boardroom at the Board offices at 1000 University Avenue West, Suite 100, St. Paul, Minnesota 55104 starting at **10 a.m. on Friday, October 27, 2017**. The hearing will continue until all interested persons have been heard. Administrative Law Judge Ann O'Reilly is assigned to conduct the hearing. Judge O'Reilly's Legal Assistant Cari Snaza can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 361-7906, and fax (651) 539-0310 or Cari.Snaza@state.mn.us.

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

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

Statement of Need and Reasonableness. The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It explains the Board's reasoning behind each of the proposed changes. It is now available on the Board's website at www.bceboard@state.mn.us, at the Board's offices, and can be requested by emailing bce.board@state.mn.us or from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

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

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

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

Signed by Executive Director, Gina Fast, on June 6, 2017.

Proposed Rules

2105.0010 DEFINITIONS.

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

Subp. 1a. **Active license.** “Active license” means a current license that has not expired and is not retired.

Subp. 1b. **Advanced exfoliation.** “Advanced exfoliation” means a cosmetic procedure removing skin cells throughout the epidermis through manual, mechanical, or chemical means.

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

Subp. 2a. **Autoclave.** “Autoclave” means a device registered and listed with the Food and Drug Administration used to sterilize tools, equipment, and supplies by subjecting them to high pressure saturated steam.

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

Subp. 3a. *[See repealer.]*

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

Subp. 8a. **Electrical energy treatments.** “Electrical energy treatments” means advanced practice esthetic services for the personal care of the skin that use various forms of light or electrical energy.

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

Subp. 11a. **Lymphatic drainage.** “Lymphatic drainage” means a cosmetic procedure using a light rhythmic pressure applied by manual or other means to the skin using specific lymphatic maneuvers to promote drainage of the lymphatic fluid through the tissue.

Subp. ~~11a.~~ **11b. Microdermabrasion.** “Microdermabrasion” means a cosmetic procedure using mechanical or manual means of light abrasion on the epidermal layer of the skin.

Subp. ~~11b.~~ **11c. Mobile structure.** “Mobile structure” means a trailer or other enclosed space towed by a vehicle. A mobile structure does not include a manufactured home as defined in Minnesota Statutes, section 327.31, subdivision 6.

Subp. ~~11c.~~ **11d. Nursing home.** “Nursing home” means a facility that is licensed under Minnesota Statutes, chapter 144A, and does not include any attached or adjacent facilities that are not licensed as a nursing home under Minnesota Statutes, chapter 144A.

Subp. ~~11d.~~ **11e. Operator.** “Operator” means a standard license for a cosmetologist, esthetician, or nail technician and not an advanced practice license or manager license.

Subp. ~~11e.~~ **11f. Physical location.** “Physical location” means the contiguous space representing each salon that can be accessed by customers without exiting the salon.

Subp. ~~11f.~~ **11g. Porous material.** “Porous material” means a material that absorbs liquid or allows liquid to penetrate.

Subp. ~~11g.~~ **11h. Primary exfoliation.** “Primary exfoliation” means the removal of dead skin cells in the stratum corneum layer of the epidermis through manual or chemical means.

Subp. ~~11h.~~ **11i. Simple braiding devices.** “Simple braiding devices” include clips, combs, curlers, curling irons, hairpins, rollers, scissors, needles, and thread.

Subp. ~~11i.~~ **11j. Special event.** “Special event” means an event held for any purpose other than the provision of licensed services, where a participant in the event may receive the limited cosmetology services described in part 2105.0410, subpart 2, at a location not in a licensed salon.

Subp. ~~11j.~~ **11k. Sterilization.** “Sterilization” means the destruction of all microbial life and spores through the use of heat, steam, or chemical sterilants.

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

Subp. 13. **Unregulated service.** “Unregulated service” means those services not defined as the practice of cosmetology under

Proposed Rules

Minnesota Statutes, section 155A.23, subdivision 3, and ~~which that~~ are exempt from regulation by the board. Unregulated services are ear piercing; body art; body painting; henna tattoos and permanent tattoos; eyebrow embroidery; eyebrow microblading; permanent hair removal; permanent makeup; tanning by UV radiation and spray tanning units; injectables; services for theatrical, television, film, fashion, photography, or media productions or media appearances; mortuary services; massage; body wraps and lymphatic drainage when performed by a massage therapist; and hair braiding, hair braiding services, and hair braiders, as defined in subparts 10a to 10c; and threading as defined in Minnesota Statutes, section 155A.23, subdivision 13. Ordinances by local units of government that prohibit hair braiding, hair braiding services, or hair braiders, as defined in subparts 10a to 10c, or regulate any matter relating to licensing, testing, or training of hair braiding, hair braiding services, or hair braiders are preempted by this part.

Subp. 14. **Work area.** “Work area” means a space where ~~cosmetology, esthetician, or nail~~ regulated services are provided. A separate work area is created when the service area is partitioned from other salon spaces or work areas by walls at least six feet high and doorways of less than five feet in width.

2105.0105 SCOPE.

Subpart 1. **Cosmetology.** The practice of cosmetology includes the services defined under Minnesota Statutes, section 155A.23, subdivision 3, and includes all esthetic services in subpart 2 and all nail services in subpart 3. Cosmetologists must not use any tool or equipment designed to penetrate beyond the stratum corneum of the epidermis. Cosmetology does not include advanced practice esthetic services in subpart 4. Cosmetology practice includes:

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

Subp. 2. **Esthetics.** The practice of esthiology is the cosmetic treatment of the stratum corneum of the epidermal layer of the skin surface. Estheticians must not use any tool or equipment designed to penetrate beyond the stratum corneum of the epidermis. Esthetic practice includes:

A. ~~cleansing, stimulating, exfoliating, or massaging a person’s scalp, face, neck, arms, legs, or trunk by hand or by using a device, apparatus, or appliance,~~ with or without the use of any cosmetic preparation, antiseptic, tonic, lotion, or cream;

B. ~~cosmetic care of a person’s face, eyelashes, eyebrows, lips, nose, neck, arms, legs, or trunk using a cosmetic preparation, antiseptic, tonic, lotion, powder, oil, gels, paraffin, clay, cream, or makeup, or appliance;~~

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

D. ~~application of makeup or airbrush makeup, extractions, microdermabrasion, chemical peels~~ primary exfoliation, eyelash and eyebrow tinting, eyebrow shaping and trimming, eyelash and eyebrow enhancements, waxing, sugaring, facials, and body wraps; and

E. ~~other cosmetic personal services for the cosmetic care of the skin on the stratum corneum layer of the epidermis.~~

Subp. 3. **Nail technician services.** The practice of nail technology is the cosmetic care of the hands, feet, and nails. Nail technology includes:

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

F. other personal services for the cosmetic care of the hands, feet, and nails.

Nail technician services do not include waxing, eyelash or eyebrow enhancements, or any other esthetician service. Nail technicians must not use any tool or equipment to penetrate the skin.

Subp. 4. **Advanced practice esthetic services.** The practice of advanced practice (AP) esthetics is the cosmetic treatment of the epidermal layer of the skin. AP estheticians must not use any tool or implement designed to penetrate beyond the epidermal dermal juncture. AP esthetics includes esthetic services in subpart 2 and:

A. advanced exfoliation;

B. electrical energy treatments including light therapy, galvanic current, microcurrent, radio frequency, and other energy treatments;

C. lymphatic drainage; and

Proposed Rules

D. other cosmetic personal services on the epidermal layer of the skin.

2105.0110 ADVERTISING.

The following provisions govern all advertising relating to the practice of cosmetology:

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

C. An individual practitioner advertising the practitioner's licensed services must list either the full name as shown on the individual's license or the name of the salon as shown on the salon license.

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

E. It is a violation of this chapter to advertise as a medical esthetician or medical aesthetician.

2105.0115 INSPECTIONS.

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

Subp. 4. **Inspection penalties and discipline.**

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

B. Board staff must issue penalties prescribed in Minnesota Statutes, section 155A.25, for violations in subitems (1) to (4) cited during a board inspection of a salon or permit holder except as provided for in subpart 5. Licensees must pay penalties in full before any license is renewed or issued.

(1) A salon is subject to penalty for violations cited during a salon inspection for:

[For text of units (a) and (b), see M.R.]

(c) each ~~current~~ active license of a practitioner or salon not conspicuously displayed;

[For text of units (d) to (h), see M.R.]

(2) A DLSM is subject to penalty for violations cited during inspection for:

[For text of units (a) and (b), see M.R.]

(c) each ~~current~~ active license of a practitioner or salon not conspicuously displayed;

[For text of units (d) to (h), see M.R.]

(3) An individual practitioner is subject to penalty for violations cited during a salon inspection for:

(a) the practitioner's expired license;

(b) the practitioner's ~~current~~ active license not conspicuously displayed, if a ~~current~~ an active license is held;

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

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

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

2105.0145 APPLICANTS FOR INDIVIDUAL LICENSES.

Subpart 1. **Cosmetologists, nail technicians, and estheticians.** Applicants for a cosmetologist, nail technician, or esthetician license who have not been licensed in other states must provide the items required in items A to E:

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

D. proof of completion of training as follows:

(1) graduates of a Minnesota-licensed cosmetology school must submit the original course completion certificate with the notarized signatures of the school manager or owner documenting the successful completion of the curriculum and the required number of hours of training: 1,550 hours for a cosmetologist; 600 hours for an esthetician; and 350 hours for a nail technician, including any hours transferred from another school within the past three years. If the completed training is more than five

Proposed Rules

years old, a skills course certificate no more than one year old must also be submitted;

- (2) a graduate of a training program licensed by another state that is:

[For text of unit (a), see M.R.]

(b) not equal to the curriculum and minimum hour requirements required of Minnesota-licensed cosmetology schools for a cosmetologist, esthetician, or nail technician program must obtain a course completion certificate by applying to a Minnesota-licensed cosmetology school as a transfer student under part ~~2110.0700~~ 2110.0705 and must meet and complete the school's requirements. The applicant must then submit the original course completion certificate with the notarized signatures of the school manager or owner, documenting successful completion of the required curriculum and number of hours of training: 1,550 hours for a cosmetologist; 600 hours for an esthetician; and 350 hours for a nail technician. If the completed training is more than five years old, a skills course certificate from a Minnesota-licensed cosmetology school no more than one year old must also be submitted;

(3) an applicant who partially completed a training program licensed by another state, or who completed an unlicensed training program in another state, must obtain a course completion certificate by applying to a Minnesota-licensed cosmetology school as a transfer student under part ~~2110.0700~~ 2110.0705 and must meet and complete the school's requirements. The applicant must then submit the original course completion certificate with the notarized signatures of the school manager or owner, documenting successful completion of the required curriculum and number of hours of training: 1,550 hours for a cosmetologist; 600 hours for an esthetician; and 350 hours for a nail technician. If the completed training is more than five years old, a skills course certificate from a Minnesota-licensed cosmetology school no more than one year old must also be submitted; or

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

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

Subp. 1a. **Advanced practice estheticians.** The board shall issue an AP esthetician salon manager license to an applicant with an active salon manager license who meets the requirements of this part. An AP esthetician license supersedes an esthetician license.

A. An applicant for an AP esthetician license who holds an active esthetician or cosmetologist license must provide the following:

- (1) a completed application form;

(2) original passing test results no more than one year old of the following board-approved tests for the AP esthetician license:

- (a) general theory test; and

- (b) written practical test;

(3) an original AP esthetician course completion certificate documenting the successful completion of curriculum from a board-approved school with the notarized signature of the school manager or school owner. If the completed AP esthetician training is more than five years old, a skills course certificate no more than one year old must also be submitted; and

- (4) payment of the fees required by Minnesota Statutes, section 155A.25.

B. An applicant for an AP esthetician license who completed training in Minnesota for both an esthetician or cosmetologist license and training for an AP esthetician license but does not hold an active esthetician or cosmetologist license must provide the following:

- (1) a completed application form;

(2) a high school diploma, a high school transcript showing graduation, a general educational development certificate, or a recognized equivalent of a high school diploma (RED) as identified in Code of Federal Regulations, title 34, section 600.2;

(3) an original course completion certificate for a board-approved esthetician or cosmetology course documenting the successful completion of the curriculum with the notarized signature of the school manager or school owner. If the completed

Proposed Rules

training is more than five years old, a skills course certificate no more than one year old must also be submitted;

(4) original passing test results no more than one year old of the board-approved general theory and written practical tests for the esthetician or cosmetology license:

- (a) general theory test;
- (b) written practical test; and
- (c) Minnesota laws and rules test;

(5) original passing test results no more than one year old of the following board-approved tests for the AP esthetician license:

- (a) general theory test; and
- (b) written practical test;

(6) an original AP esthetician course completion certificate from a board-approved school with the notarized signature of the school manager or school owner. If the completed AP esthetician training is more than five years old, a skills course certificate no more than one year old must also be submitted; and

(7) payment of the fees required by Minnesota Statutes, section 155A.25.

C. An applicant for an AP esthetician license who is not licensed in any state and who completed esthetician or cosmetologist training in another state must provide the following:

(1) a completed application;

(2) a high school diploma, a high school transcript showing graduation, a general educational development certificate, or a recognized equivalent of a high school diploma (RED) as identified in Code of Federal Regulations, title 34, section 600.2;

(3) proof of training for an esthetician as identified in subpart 1, item D, the following:

(4) original passing test results no more than one year old of the board-approved general theory and written practical tests for the esthetician or cosmetologist license:

- (a) general theory test;
- (b) written practical test; and
- (c) Minnesota laws and rules test;

(5) original passing test results no more than one year old of the following board-approved tests for the AP esthetician license:

- (a) general theory test; and
- (b) written practical test;

(6) an original AP esthetician course completion certificate from a board-approved school with the notarized signature of the school manager or school owner. If the completed AP esthetician training is more than five years old, a skills course certificate no more than one year old must also be submitted; and

(7) payment of the fees required by Minnesota Statutes, section 155A.25.

D. An applicant with an AP esthetician license or master esthetician license from another state must apply under part

Proposed Rules

2105.0183, subpart 4. An applicant for an AP esthetician license with an esthetician or cosmetologist license from another state and who is not licensed in Minnesota must provide the following:

- (1) a completed application form;
- (2) certification of licensure no more than 90 days old sent to the board directly from each state where the applicant has been licensed. A license certification must verify the current status and history of licensure, discipline history, hours of training, and whether or not the licensee has passed an esthetician general theory and practical test. If a state does not issue certification of licensure, the applicant must submit a copy of the most recent license and a completed supplemental verification form. If the out-of-state license is not active, an original board-approved esthetician skills course certificate that is no more than one year old;
- (3) a high school diploma or transcript showing graduation, a general education development (GED) certificate, or a recognized equivalent of a high school diploma (RED) as identified in Code of Federal Regulations, title 34, section 600.2;
- (4) original passing test results no more than one year old of a board-approved general theory esthetician test. If a certification of licensure from a state in which the applicant has been licensed attests that the applicant has passed a general theory test, this requirement is met and the general theory test does not have to be retaken;
- (5) original passing test results no more than one year old of a board-approved written esthetician practical test. If a certification of licensure from a state in which the applicant has been licensed attests that the applicant has passed a written practical test, this requirement is met and the written practical test does not have to be retaken;
- (6) original passing test results of the Minnesota state laws and rules test no more than one year old;
- (7) original passing test results no more than one year old of the following board-approved tests for the AP esthetician license:
 - (a) general theory test; and
 - (b) written practical test;
- (8) an original AP esthetician course completion certificate from a board-approved school with the notarized signature of the school manager or school owner. If the completed AP esthetician training is more than five years old, a skills course certificate no more than one year old must also be submitted; and
- (9) payment of the fees required by Minnesota Statutes, section 155A.25.

Subp. 2. **Salon managers.** An applicant for a salon manager license must:

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

- B. hold ~~a current~~ an active Minnesota cosmetologist, esthetician, advanced practice esthetician, or nail technician license;

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

Subp. 3. **School managers.** An applicant for a school manager license must:

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

- B. hold ~~a current~~ an active Minnesota cosmetology salon manager license;

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

Subp. 4. **Instructors.** An applicant for an instructor license must:

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

B. hold ~~a current~~ an active Minnesota cosmetologist, nail technician, ~~or~~ esthetician, or advanced practice esthetician license as an operator or manager;

C. document at least 2,700 hours of licensed practice as a cosmetologist, nail technician, ~~or~~ esthetician, or advanced practice esthetician within the three years prior to application;

Proposed Rules

D. submit the original course completion certificate of a board-approved instructor course on teaching methodology not more than one year old;

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

2105.0155 GRANDFATHERED ADVANCED PRACTICE ESTHETICIANS.

Subpart 1. Grandfathering provisions for advanced practice esthetician operators. A cosmetologist and esthetician operator may apply for a grandfathered advanced practice (AP) esthetician license by meeting the requirements in this subpart. The completed application must be received by the board no later than December 31, 2017. A cosmetologist who meets the requirements for a grandfathered AP esthetician license must be issued a separate AP esthetician license. An applicant for a grandfathered AP esthetician license must:

A. provide a completed application;

B. hold an active Minnesota cosmetologist or esthetician operator license;

C. have demonstrated work experience in a licensed salon consisting of a total of 900 hours in the past three years providing AP esthetician services, including experience in three or more AP services including at least one type of advanced exfoliation services and at least one type of electromagnetic energy services, or original passing test results not more than one year old of the board-approved tests for AP estheticians; and

D. submit payment of the fees required by Minnesota Statutes, section 155A.25.

Subp. 2. Grandfathering provisions for advanced practice esthetician salon managers. A cosmetologist and esthetician salon manager may apply for an advanced practice (AP) esthetician salon manager license under the grandfathering provisions of this part by meeting the requirements in this subpart. The completed application must be received by the board no later than December 31, 2017. A cosmetologist who wishes to retain the cosmetology license and who meets the requirements for a grandfathered AP esthetician license must be issued a separate AP esthetician license. An applicant for a grandfathered AP esthetician salon manager license must:

A. provide a completed application form;

B. hold an active Minnesota cosmetologist or esthetician salon manager license;

C. have demonstrated work experience in a licensed salon consisting of a total of 900 hours in the past three years providing AP esthetician services, including experience in three or more AP services including at least one type of advanced exfoliation services and at least one type of electromagnetic energy services, or original passing test results no more than one year old of the board-approved tests for AP estheticians; and

D. submit payment of the fees required by Minnesota Statutes, section 155A.25.

Subp. 3. Grandfathering provisions for advanced practice esthetician instructors. A cosmetology and esthetician instructor with an active license may apply for an advanced practice (AP) esthetician instructor license under the grandfathering provisions of this part by meeting the requirements in this subpart. The completed application must be received by the board no later than December 31, 2017. A cosmetologist instructor who meets the requirements for a grandfathered AP esthetician instructor license will be issued a separate AP esthetician instructor license. An applicant for a grandfathered AP esthetician instructor license must:

A. provide a completed application form;

B. hold an active Minnesota cosmetology or esthetician instructor license;

C. hold an active Minnesota AP esthetician license as an operator or salon manager; and

D. submit payment of the fees required by Minnesota Statutes, section 155A.25.

Proposed Rules

2105.0183 TRANSFER OF LICENSES FROM OTHER STATES OR COUNTRIES.

Subpart 1. **Applicants with required training who are licensed in another state.** Applicants for a cosmetologist, nail technician, or esthetician operator license who have completed the required number of hours of training: 1,550 hours for a cosmetologist; 600 hours for an esthetician; and 350 hours for a nail technician, and are licensed in another state must provide the following:

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

C. if the out-of-state license is not ~~current~~ and active, an original board-approved skills course certificate no more than one year old;

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

Subp. 2. **Applicants with less than the required training who are licensed in another state.** Applicants for a cosmetologist, nail technician, or esthetician operator license who have not completed the required number of hours of training: 1,550 hours for a cosmetologist; 600 hours for an esthetician; and 350 hours for a nail technician, and who are licensed in another state must provide the following:

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

B. evidence of a ~~current~~ an active license for at least three years in another state, or an original course completion certificate from a Minnesota-licensed cosmetology school no more than one year old with notarized signatures of the school manager or owner documenting the completion as a transfer student under part 2110.0705 of additional training hours and the practical skills test;

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

D. if the out-of-state license is not ~~current~~ and active, the applicant must provide an original board-approved skills course certificate no more than one year old;

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

F. original passing test results no more than one year old of a board-approved general theory test. If a certification of licensure from a state in which the applicant has been licensed attests that the applicant has passed such a test, this requirement is met and the general theory test does not have to be retaken;

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

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

Subp. 4. **Applicants with an instructor license from another state.** Applicants who hold a ~~current~~ an active instructor license issued from another state may apply for an instructor license. Applicants must provide the following:

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

B. a ~~current~~ an active Minnesota cosmetologist, esthetician, advanced practice esthetician, nail technician, or salon manager license;

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

E. an original course completion certificate of a board-approved instructor course not more than one year old. If a certification of licensure from a state where the applicant holds a ~~current~~ an active instructor license attests that the applicant successfully completed comparable instructor training, this requirement is met and the instructor course does not have to be retaken;

F. original passing test results no more than one year old of a board-approved instructor general theory test. If a certification of licensure from a state where the applicant holds a ~~current~~ an active instructor license attests that the applicant passed a comparable instructor theory test, this requirement is met and the instructor theory test does not have to be retaken;

G. original passing test results no more than one year old of a board-approved instructor practical test. If a certification of licensure from a state where the applicant holds a ~~current~~ an active instructor license attests that the applicant has passed such a test, this requirement is met and the instructor practical test does not have to be retaken;

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

Subp. 4a. **Applicants with an advanced practice or master esthetician training or license from another state or country.** An applicant for an advanced practice esthetician operator license whose training or licensure is from another state or country must:

Proposed Rules

A. apply to a board-licensed school as a transfer student for an evaluation of applicable esthetician and advanced practice (AP) esthetician training, school records, and work experience under part 2110.0705; rectify any deficiencies noted in the evaluation results; and provide the original esthetician course completion certificate and the original AP esthetician course completion certificate; and

B. complete an application and submit the following items:

(1) a high school diploma or transcript showing graduation, general education development certificate, or a recognized equivalent of a high school diploma (RED) as identified in Code of Federal Regulations, title 34, section 600.2;

(2) if applicant has held a cosmetologist, esthetician, or AP esthetician license in another state, a certification of licensure no more than 90 days old sent to the board directly from each state where the applicant has been licensed. A license certification must verify the current status and history of licensure, discipline history, hours of training, and whether or not the licensee has passed the general theory and practical tests. If a state does not issue certification of licensure, the applicant must submit a copy of the most recent license and a completed supplemental verification form;

(3) original passing test results no more than one year old of a board-approved esthetician or cosmetology general theory test. If a certification of licensure from a state in which the applicant has been licensed attests that the applicant has passed such a test, this requirement is met and the general theory test does not have to be retaken;

(4) original passing test results no more than one year old of a board-approved esthetician or cosmetology written practical test. If a certification of licensure from a state in which the applicant has been licensed attests that the applicant has passed such a test, this requirement is met and the written practical test does not have to be retaken;

(5) original passing test results of a board-approved theory AP esthetician test no more than one year old;

(6) original passing test results of a board-approved written practical AP esthetician test no more than one year old;

(7) original passing test results of the Minnesota state laws and rules test no more than one year old; and

(8) payment of the fees required by Minnesota Statutes, section 155A.25.

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

2105.0184 MILITARY TEMPORARY LICENSE.

Subpart 1. **Application and issuance.** In compliance with Minnesota Statutes, section 197.4552, the board shall issue military temporary (MT) licenses for cosmetologists, estheticians, advanced practice estheticians, nail technicians, salon managers, instructors, and school managers valid for a 12-month license cycle. An applicant for an MT license must submit:

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

C. a copy of a ~~current~~ an active valid license without a history of discipline for a cosmetologist, esthetician, advanced practice esthetician, nail technician, salon manager, school manager, or instructor from another state; and

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

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

2105.0187 SKILLS COURSES.

A. A cosmetologist skills course, esthetician skills course, advanced practice esthetician, or nail technician skills course must be offered in person, taught by an instructor licensed in the course subject, and:

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

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

C. Cosmetologists must attend a cosmetologist skills course taught by a cosmetology instructor. Estheticians must attend an esthetician skills course taught by an esthetician or cosmetologist instructor. Advanced practice estheticians must attend an advanced practice course taught by an advanced practice esthetician instructor. Nail technicians must attend a skills course taught by a cosmetologist or nail technician instructor.

Proposed Rules

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

2105.0190 MAINTAINING INDIVIDUAL LICENSES.

Subpart 1. **Compliance with applicable law.** The licensee is responsible for verifying that the salon or school in which the licensee is practicing has a ~~current~~ an active license, and the licensee must continuously comply with all applicable provisions of Minnesota statutes and rules.

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

Subp. 4. **Display of license.** The practitioner must conspicuously post a ~~current~~ an active license at each salon where the practitioner practices. The conditions in items A to D must be met at all times.

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

C. Copies of licenses do not meet the requirements of license posting. Licensees must obtain duplicate licenses from the board in order to post licenses at multiple workstations or multiple salons. After a license is issued by the board, a printout of the online license status from the board Web site showing a ~~current~~ an active license may be used to meet the posting requirements for a maximum of 30 days beginning on the license issuance date.

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

Subp. 5. [Repealed, 41 SR 305]

2105.0200 LICENSE RENEWAL FOR INDIVIDUALS.

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

Subp. 2. **Continuing education (CE) requirements for practitioners.** The licensee must complete the following continuing education (CE) requirements before applying to renew a license:

~~A. A cosmetologist, nail technician, esthetician, or salon manager renewing a license before August 1, 2017, must complete a total of four hours of core CE credits consisting of one hour of state cosmetology laws and rules, and three hours of health, safety, and infection control matters from board-approved providers within the three years prior to the date of the license renewal. Licensees must maintain proof of completion of the CE credits as required in subpart 5.~~

~~B. A~~ A cosmetologist, nail technician, esthetician, advanced practice esthetician, or salon manager renewing a license on or after August 1, 2017, must complete a total of eight hours of CE credits from board-approved providers within the three years prior to the date of the license renewal. Licensees must maintain proof of completion of the CE credits as required in subpart 5. The eight hours must consist of:

(1) four hours of core CEs, consisting of one hour pertaining to state cosmetology laws and rules, and three hours related to health, safety, and infection control matters; and

(2) four hours of professional practice CEs, consisting of one or more of the following topics within the licensee's scope of practice:

- (a) product chemistry and chemical interaction;
- (b) proper use of machines and instruments;
- (c) business management, professional ethics, and human relations; or
- (d) techniques relevant to the type of license held by the practitioner.

~~C. B.~~ The CE credits are valid for only one license renewal period, but may be applied to multiple licenses held by the same practitioner if the CEs were completed within three years prior to the license renewal date.

Subp. 2a. **CE and other renewal requirements for instructors.**

A. An instructor must complete 45 hours of board-approved CEs within three years before the license renewal, including

Proposed Rules

at least 30 hours in teaching methodology and 15 hours on clinical practice in the field of licensure. Licensees must retain proof of the CE credits as required in subpart 5. ~~Prior to August 1, 2017, to renew a license, an instructor must complete any combination of board-approved teaching methodology and clinical practice CEs totaling 45 CE hours.~~

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

[For text of subps 2b to 5, see M.R.]

2105.0205 RETIRED LICENSE.

A licensee with ~~a current~~ an active or expired Minnesota practitioner license who has ceased all practice of cosmetology may apply for a retired license that does not allow any practice of cosmetology as defined in Minnesota Statutes, section 155A.23, subdivision 3. The board must void any ~~current~~ active license when a retired license is issued for the remainder of the license cycle. If the practitioner's license is expired, the applicant must pay the renewal and late fees required by Minnesota Statutes, section 155A.25.

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

B. A person with a retired license who wishes to obtain ~~a current~~ an active practitioner license must apply to renew the original expired practitioner license under the terms of this chapter as if no retired license was issued. If the retired license is ~~current~~ and has not expired, no new renewal fee is required.

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

2105.0215 PROCEDURE FOR RENEWING AN EXPIRED LICENSE.

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

Subp. 3. **Instructor licenses expired three years or more.** If an instructor's license has been expired three years or more, the board shall issue a license with a new license cycle when the expired licensee submits a renewal application and meets these requirements:

A. holds ~~a current~~ an active operator's or salon manager's license;

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

Subp. 4. **School manager licenses expired three years or more.** If a school manager's license has been expired three years or more, a license with a new license cycle shall be issued by the board when the expired licensee submits a renewal application and:

A. holds ~~a current~~ an active cosmetology salon manager's license;

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

2105.0305 DESIGNATED LICENSED SALON MANAGER.

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

G. A DLSM must hold the same licensure level as the salon license, except that a cosmetologist salon manager may serve as a DLSM for a nail or an esthetician salon. An advanced practice (AP) esthetician salon manager may serve as a DLSM for an esthetician or an AP esthetician salon.

2105.0310 SALON LICENSURE APPLICATION.

Subpart 1. **All salon licenses.** The requirements of this part and parts 2105.0310; 2105.0360; and 2105.0370, ~~and 2105.0410~~ must be met by all applicants proposing to establish a salon. A salon license is required for each physical location. A licensed salon business may not share any physical space with another licensed salon business except for restrooms, and may not be located inside the perimeter of another licensed salon.

Subp. 1a. **Types of salon licenses.** The services a salon may offer are determined by the type of salon license held. Cosmetology salons may offer cosmetology services, esthetic services, and nail services. Nail salons must offer only nail services. Esthetician salons must offer only esthetician services. Advanced practice esthetician salons may offer esthetic and advanced esthetic services. A single salon may hold ~~both a nail salon license and an esthetician~~ more than one type of salon license.

Subp. 2. **Application.** An applicant for a ~~cosmetology, esthetician, or nail salon~~ license must apply on forms supplied by the board, giving the following information:

Proposed Rules

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

H. current Certificate of Workers' Compensation Insurance, unless the salon is not required to provide insurance coverage under the Minnesota Workers' Compensation Act, Minnesota Statutes, chapter 176;

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

K. the name, license number, and notarized signature of the DLSM accepting the responsibilities of the DLSM. The DLSM must meet the requirements of part 2105.0305.

2105.0322 MAINTAINING SALON LICENSE.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Salon premises.** ~~Cosmetology, esthetician, and nail~~ Regulated cosmetic services must not be provided in a place other than a licensed ~~cosmetology salon, esthetician salon, nail salon, cosmetology or~~ school, or as otherwise provided by this chapter.

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

Subp. 10. **Change of DLSM.** The salon owner must inform the board in writing within ten business days of the departure or resignation of the DLSM. The salon has 60 days from the date of the change to register with the board a new DLSM ~~with the board meeting the requirements of part 2105.0305.~~

2105.0370 SALON OPERATIONAL REQUIREMENTS.

A salon must continuously meet the following minimum operational requirements.

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

C. The ~~current~~ active salon license showing the current DLSM must be conspicuously posted facing the public side of the reception area providing the public a full, unobstructed view of the license.

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

2105.0375 INFECTION CONTROL REQUIREMENTS.

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

Subp. 4. Disinfecting.

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

D. Disinfectant solutions must be legibly labeled with the disinfectant name and any dilution requirements. Disinfectant solutions must be ~~made daily and disposed of at the end of the day or~~ immediately if visible debris is present. If concentrated disinfectants must be diluted with water, measuring devices must be readily available and used to ensure an effective solution is made. Unless otherwise directed by the disinfectant label, disinfectant solutions must be made daily and disposed of at the end of the day.

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

Subp. 4a. Sterilizing.

A. Any tool or implement that is designed to puncture or invade the skin must be cleaned and then sterilized using an autoclave, heat sterilizer, or a chemiclave before the tool or implement can be reused.

B. Autoclaves and other sterilizing devices must be registered and listed with the United States Food and Drug Administration and used only as instructed by the manufacturer.

C. Autoclaves and other sterilizers must be spore tested through an independent lab every 30 days to ensure functionality. Spore-testing results and maintenance records must be kept on site at the salon for 36 months. Autoclaves and autoclave packaging of tools are prohibited unless regular spore tests are performed by a contracted laboratory at least once per month but not more than 30 days between tests. If a positive spore test is received, the autoclave must not be used until a negative spore result is received. The salon must maintain a log of each use, all testing samples and results, and a maintenance log of all maintenance performed according to the manufacturer's directions. The salon must retain the most recent 36 months of the log at the salon for review by the board.

Proposed Rules

D. Sterilized items must be stored in the package in which they were sterilized. Each package must show the batch number and sterilization date corresponding to the log kept of each sterilization process required in item C.

Subp. 5. **Blood and body fluid exposure.** Licensees must stop a service whenever an unexpected cut, abrasion, or other injury occurs during a service resulting in exposure to blood or other body fluids, or when blood or other body fluids appear as a result of a service, and follow the steps in items A to G.

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

G. Contaminated tools, implements, and equipment must be cleaned and then disinfected or sterilized according to subparts 3 ~~and~~, 4, and 4a.

Subp. 6. **Storage of items.**

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

B. Plastic or paper bags or sealed wrapping must not be used to store disinfected items unless the item has been sterilized by an autoclave used under the requirements of part 2105.0377, item E.

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

Subp. 7. **Safety and infection-control practices.**

A. Only cleaned, disinfected or sterilized, and properly stored tools and implements must be used on a client.

B. A supply of disinfected or sterilized tools, ~~disinfected and~~ implements, single-use supplies, and disinfectant must be present and available for use by practitioners. The supply must be sufficient, based on the practitioner and salon service volume, to ensure each client is serviced with tools and implements that are either properly cleaned and disinfected tools and implements, or sterilized each day.

C. All fluids, semifluids, creams, waxes, and powders must be kept in clean, covered containers with a solid cover and must be dispensed in a manner which that prevents contamination of the unused supply.

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

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

F. Licensees must comply with all manufacturer's directions for product and equipment use.

(1) When product the manufacturer's use directions require a patch test, the licensee must (+):

(a) offer a patch test; and (2)

(b) provide information to the client regarding the risk of potential adverse reactions to the product.

(2) Licensees must comply with the manufacturer's directions for machine and equipment use and maintenance.

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

M. Tools or implements dropped on the floor or otherwise contaminated during a service must be removed from the work station, cleaned and disinfected or sterilized, or placed in a covered container labeled "used" until cleaned and disinfected or sterilized.

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

O. Licensees must wear gloves:

(1) while providing skin care and waxing services;

(2) when exposure to bloodborne pathogens is possible; and

(3) when using a device or implement that penetrates the skin.

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

Proposed Rules

Subp. 11. **Electrical and electronic tools.** Electric clippers, nail drills, flat irons, blow dryers, glass or metal electrodes, high frequency wands, esthetic machines, steamers, diffusers, or other electric or electronic tools must be cleaned and disinfected after each use, including the body, handle, and attached cord.

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

B. Metal guards, clipper blades, drill bits, and other ~~removable parts designed to be removed~~ must be removed. All product residue, hair, skin debris, nail dust, and other visible debris must be ~~brushed or wiped off~~ removed using a disinfected brush or clean towel, and the removable part must be disinfected with an EPA-registered, hospital-level disinfectant spray or wipe after each use. The surfaces must remain wet with the spray or wipe disinfectant for the contact time listed on the disinfectant label and the manufacturer's directions must be followed.

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

F. Skin care machines and equipment must be cleaned and then disinfected or sterilized according to the manufacturer's directions.

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

2105.0377 SALON PROHIBITIONS.

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

C. Cosmetologists and estheticians must not use any tool or equipment designed to penetrate beyond the stratum corneum of the epidermis. Nail technicians must not use any tool or equipment to penetrate the skin.

~~D.~~ D. Roll-on wax is prohibited. Single-use roll-on wax cartridges are acceptable but must be disposed of immediately after service. Roll-on wax cartridges warming in a wax heater must have an intact seal. The heating unit is subject to the requirements of part 2105.0375 and must be cleaned and disinfected after each use.

~~E.~~ E. UV sterilizers or light boxes are not an acceptable infection control device and must not be present in a salon. This does not apply to UV dryers or ultraviolet lamps used to dry or cure nail products.

~~F.~~ F. ~~Autoclaves and Autoclave packaging of tools are is prohibited unless regular spore tests are performed by a contracted laboratory at least once per month but not more than 30 days between tests. If a positive spore test is received, the autoclave must not be used until a negative spore result is received. The salon must maintain a log of each use, all testing samples and results, and a maintenance log of all maintenance performed according to the manufacturer's directions. The salon must retain the most recent 12 months of the log at the salon for review by the board. an autoclave is used and the salon is in compliance with part 2105.0375, subpart 4a.~~

F. G. Electric or battery-operated files or drills not specifically manufactured for use on humans are prohibited.

G. H. Practitioners must not use tools or implements provided by customers unless the practitioner first cleans and then disinfects or sterilizes the tool or implement. Customer-supplied prohibited tools must not be used and must be immediately removed from the salon premises. Customer-supplied single-use items must be new.

H. I. Salons must not store a customer's tools or implements.

~~I.~~ I. ~~Nail salons must not offer esthetician services without an esthetician salon license, and esthetician salons must not offer nail services without a nail salon license. Nail and esthetician salons must not offer services which require a cosmetology salon license.~~

J. Only single-use lancets may be used.

2105.0390 SALON SUPERVISION.

A. The owner and the designated licensed salon manager (DLSM) registered with the board are responsible for the salon at all times, even when not present at the salon. The owner and the DLSM must ensure that:

- (1) all practitioners, including nonemployees, who perform licensed services in the salon are in compliance with

Proposed Rules

all provisions of this chapter and Minnesota Statutes, chapter 155A; and

[For text of subitem (2), see M.R.]

B. The salon must designate and register only one person as the DLSM, consistent with part 2105.0305, for each salon license held by the salon. This does not preclude a salon from having a business manager or other managers who are not licensed as operators or managers. Salons holding both a nail salon and an esthetician salon license may have a designated licensed salon manager for each license, or a cosmetologist salon manager may serve as the designated licensed salon manager for both licenses. An advanced practice esthetician salon manager may serve as a DLSM for an esthetician salon or an advanced practice esthetician salon.

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

2105.0410 LICENSED SERVICES NOT OFFERED IN A LICENSED SALON.

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

Subp. 2. Special events permits.

A. Licensees with a current an active manager's license may apply online for a special events permit. Applicants must carry professional liability coverage of at least \$25,000 for each claim and \$50,000 total coverage for each policy year, and must pay the fees required by Minnesota Statutes, section 155A.33.

B. The permit holder may only provide the following services:

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

(3) cosmetologists and, estheticians, and advanced practice estheticians may remove and apply makeup.

C. Permits have the following restrictions: in subitems (1) to (6).

(1) Permits expire on December 31 of the year in which the permit is issued, but are valid only with a current an active manager's license held by the permit holder.

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

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

E. A special event permit holder must not use the permit to provide regulated services in a mobile vehicle or mobile structure that is owned or operated by the permit holder or a board licensee unless the mobile vehicle or mobile structure is licensed as a mobile salon under this part. A licensed mobile salon does not require a special event permit for services offered in the mobile salon.

Subp. 3. **Homebound permit.** A homebound service permit authorizes a licensee to provide services in a licensed nursing home to residents or in the residence of an individual who is homebound.

A. To obtain a homebound service permit, an applicant must apply and:

(1) hold a current an active Minnesota cosmetologist, nail technician, esthetician, advanced practice esthetician, or salon manager license;

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

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

C. A homebound service permit is not valid unless the permit holder's practitioner license is current active. If the practitioner's license has expired, a permit must not be used until the practitioner has renewed the practitioner license.

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

2105.0830 COMPLIANCE WITH OTHER REGULATIONS.

Compliance with this chapter does not ensure compliance with other requirements set forth by federal, state, and local laws, codes, ordinances, and regulations as they apply to business operation, physical construction and maintenance, safety, and public health.

2110.0010 DEFINITIONS.

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

Subp. 2a. **Active license.** “Active license” means a current license that has not expired and is not retired.

Subp. 3. [Repealed, 41 SR 305]

Subp. 3a. **Advanced exfoliation.** “Advanced exfoliation” means a cosmetic procedure removing skin cells throughout the epidermis through manual, mechanical, or chemical means.

[For text of subps 4 to 15, see M.R.]

Subp. 15a. **Electrical energy treatments.** “Electrical energy treatments” means advanced practice esthetic services for the personal care of the skin that use various forms of light or electrical energy.

[For text of subps 16 to 19, see M.R.]

Subp. 20. **Unregulated service.** “Unregulated service” means those services not defined as the practice of cosmetology under Minnesota Statutes, section 155A.23, subdivision 3, and ~~which that~~ are exempt from regulation by the board. Unregulated services are ear piercing, body art, body painting, henna tattoos and permanent tattoos, eyebrow embroidery, eyebrow microblading, permanent hair removal, and permanent makeup; tanning by UV radiation and spray tanning units; injectables; services for theatrical, television, film, fashion, photography, or media productions; media appearances; mortuary services; massage; body wraps and lymphatic drainage when performed by a massage therapist; and hair braiding, hair braiding services, and hair braiders, as defined in subparts 17a to 17c; and threading as defined in Minnesota Statutes, section 155A.23, subdivision 13. Ordinances by local units of government that prohibit hair braiding, hair braiding services, or hair braiders, as defined in subparts 17a to 17c, or regulate any matter relating to licensing, testing, or training of hair braiding, hair braiding services, or hair braiders are preempted by this part.

2110.0125 INSPECTIONS.

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

Subp. 4. **Inspection penalties and discipline.**

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

B. Board staff must issue penalties prescribed in Minnesota Statutes, section 155A.25, for violations in subitems (1) to (3) cited during a board inspection of a school except as provided for in subpart 5. Licensees must pay penalties in full before any license is renewed or issued.

(1) A school is subject to penalty for violations cited during an inspection for:

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

(d) each ~~current~~ active license of an instructor, designated school manager, or school not conspicuously displayed;

[For text of units (e) to (g), see M.R.]

(2) A DSM is subject to penalty for violations cited during a school inspection for:

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

(d) each ~~current~~ active license of an instructor, designated school manager, or school not conspicuously displayed;

[For text of units (e) to (g), see M.R.]

(3) An instructor is subject to penalty for violations cited during a school inspection for:

[For text of unit (a), see M.R.]

(b) the instructor’s ~~current~~ active license not conspicuously displayed;

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

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

Proposed Rules

2110.0310 SCHOOL LICENSURE.

Subpart 1. **Application contents.** An applicant for a cosmetology school must apply on forms supplied by the board, giving the following information:

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

M. a roster of all instructors, including license number, type of license, designation of employment status (~~full-time~~ full time or ~~part-time~~ part time) and days of the week and hours scheduled for instruction;

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

O. a complete inventory of facilities ~~and~~, equipment, and machines supportive of instructional and clinical operations, as required by this chapter;

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

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

2110.0320 MAINTAINING A SCHOOL LICENSE.

[For text of subps 1 to 13, see M.R.]

Subp. 14. **License.** A cosmetology school must not operate without a ~~current~~ an active and conspicuously displayed school license.

[For text of subp 15, see M.R.]

Subp. 16. **Separation of school from any salon.** Any cosmetology, esthetician, or nail A salon must be operated as a separate and distinct business and the salon must be completely separated physically from the school.

2110.0500 CURRICULUM APPROVAL AND CONTENT.

Subpart 1. **Curriculum approval.** Cosmetology schools must have a board-approved curriculum divided into daily lesson plans. The curriculum must include theory and practical application of skills, including the instruction ~~set forth~~ in parts 2110.0510 to 2110.0530.

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

Subp. 3. **Guest presenters.** Guest presenters may be used by a school when accompanied by the regular course instructor as long as the guest presenters are limited to one percent of the total curriculum time. If the regular course instructor is not in attendance when a guest presenter is present, the limitations of part 2110.0630 apply unless the guest presenter holds a ~~current~~ an active instructor license.

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

2110.0520 ESTHETICIAN TRAINING.

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

B. The first 120 hours must be preclinical instruction in the theory of sciences of anatomy, dermatology, and chemistry as related to skin care; ~~electricity and light~~; infection control; safety procedures related to the practice of skin care; and Minnesota statutes and rules ~~which that~~ pertain to the regulation of the practice of skin care; student orientation; and elementary service skills. Elementary service skills must be limited to the observation of an instructor demonstration, or student-to-student application of basic services related to esthetics.

C. There must be instruction in applied science and skills in the procedures of cosmetic care of the skin, client consultation and skin analysis, applications of facials and makeup, and in waxing.

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

2110.0525 ADVANCED PRACTICE ESTHETICIAN TRAINING.

A. Advanced practice (AP) esthetician training must consist of a board-approved curriculum of 600 hours that includes items B to E. A prerequisite for the training is completion of the esthetician or cosmetologist training in part 2110.0520 within the past five years or an active license as a cosmetologist or esthetician.

Proposed Rules

B. Part 2110.0500, subparts 2 and 3, do not apply to AP esthetician curriculums. Up to five percent of the AP esthetician curriculum may be accomplished through field trips, and up to five percent of the AP esthetician curriculum may be provided by guest presenters when accompanied by the instructor. If the regular course instructor is not in attendance when a guest presenter is present, the limitations of part 2110.0630 apply unless the guest presenter holds an active instructor license.

C. A combined esthetician and AP esthetician program approved by the board may be offered to any student and must include both the esthetician training in this part and part 2110.0520. Students who partially complete a combined program under this item are not eligible for an esthetician license unless the partial training received meets the requirements of part 2110.0520.

D. There must be theoretical instruction in the following: advanced cell histology of the skin; lymphatic system; wound healing; skin classification systems; dermatological disorders and terminology; advanced practice skin care treatments; chemistry and biochemistry of product ingredients and modalities; electrical and light energy; client consultation with skin classifications and medical history; infection control; and health and safety.

E. There must be clinical instruction in the following: professional skin treatments within the scope of practice for an AP esthetician on skin analysis, client consultation; manual and machine advanced exfoliation services, electric energy treatments, lymphatic drainage, and infection control and safety procedures.

2110.0545 SKILLS COURSES.

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

C. Cosmetologists must attend a cosmetologist skills course taught by a cosmetology instructor, estheticians must attend an esthetician skills course taught by an esthetician, advanced practice (AP) esthetician, or cosmetology instructor, and nail technicians must attend a skills course taught by a nail technician or cosmetology instructor. AP estheticians must attend a skills course taught by an AP esthetician instructor.

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

2110.0630 INSTRUCTORS.

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

E. Esthetician instructors and nail instructors are restricted to instruction in the area of their practitioner license and may not instruct in other disciplines. Advanced practice esthetician instructors are restricted to instruction in esthetics and advanced practice esthetics.

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

2110.0670 STUDENT RECORDS.

Student records must be maintained as follows:

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

E. The school must maintain the following reports for each student:

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

(5) documentation signed by the school owner or DSM must indicate that the student has successfully completed the course of training, including documentation of the student's completion of the practical exercises, as required by parts 2110.0510, item D; 2110.0520, item D, subitem (1); and 2110.0530, item D, subitem (1), or as required by the board-approved curriculum; and documentation of the student's successful completion of the skills certification review, on a form acceptable to the board; and

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

2110.0705 TRANSFER STUDENTS.

Subpart 1. Transfers from another school or state. Students who have completed a portion of required training at another school or in another state or country may apply as a transfer student to a cosmetology school to complete the required training. Accrued student hours are valid for five years and apply to students who have partially completed a school program in or out of state. The school must include in the student's records documentation of any transfer of credits, and copies of student transcripts and records from the original school. Any records from another country, including records in English, must be evaluated by a board-approved credentialing agency at the student's or school's expense.

Proposed Rules

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

2110.0710 FULL COURSE OF INSTRUCTION.

No student shall be enrolled in a school for less than a full course of instruction ~~of not less than 1,550 hours for cosmetologist, 600 hours for esthetician, or 350 hours for a nail technician,~~ except that a licensed individual or a previously licensed individual requesting a refresher course, an applicant who has failed the state examination and requests additional training, a transfer student, a student who has enrolled only to learn unregulated services, and reciprocity applicants who require additional schooling may be enrolled for these purposes.

2110.0720 DISPLAY OF LICENSES.

~~Current~~ Active licenses of all instructors, the designated school manager, and the school must be conspicuously posted in the reception area.

2110.0740 SCHOOL CLINICS.

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

H. All students are required to wear an identification badge at all times. The badges must be at least two inches by one inch; state the student's name; and state that the student is either a "Cosmetologist Student," "Esthetician Student," "AP Esthetician Student," or "Nail Technician Student." Badges must be furnished by the school as part of tuition costs.

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

REPEALER. Minnesota Rules, parts 2105.0010, subpart 3a; and 2105.0420, are repealed.

Appointments

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

Office of the Governor Notice of Appointment

STATE OF MINNESOTA



MARK DAYTON
GOVERNOR

NOTICE OF APPOINTMENT

Todd Doncavage

Bureau of Mediation Services
1380 Energy Lane, Suite Two
St. Paul, MN 55108
County of Ramsey
Congressional District 4

Because of the special trust and confidence I have in your integrity, judgment, and ability, I have appointed and commissioned you to have and to hold the office of:

COMMISSIONER

BUREAU OF MEDIATION SERVICES

Effective: June 19, 2017

Term Expires: January 7, 2019

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled by me or other lawful authority or by any law of this State.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Minnesota to be affixed at the Capitol in the City of Saint Paul, June 19, 2017.




Governor

Secretary of State

Replacing: Josh Tilsen

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.

Department of Human Services (DHS)

Office of Economic Opportunity

Minnesota's Draft FY2018-2019 Community Services Block Grant State Plan Available for Public Inspection and Comment, Public Hearing July 26, 2017

Notice is hereby given that a public hearing will be held on July 26, 2017 by the Department of Human Services, Office of Economic Opportunity in conjunction with the development and submittal of Minnesota's FY2018-2019 Community Services Block Grant State Plan. The hearing will be held on **July 26, 2017 at 10:00 a.m.** at the MCIT Building, 100 Empire Drive, St. Paul, MN 55103. The purpose of this hearing is to provide the public an opportunity to comment on the proposed use and distribution of funds to be provided through the allotment to the State of Minnesota under the Community Services Block Grant Act. These funds are used by federally defined eligible entities, including Community Action Agencies, Tribal Governments and the Department of Human Services to address the causes and effects of poverty. Draft plans will be distributed at the hearing, or can be accessed for public inspection and comment by contacting Rebecca Wochnick at rebecca.wochnick@state.mn.us or 651-431-2084.

Comments to the plan should be submitted no later than August 4, 2017 by email to rebecca.wochnick@state.mn.us or by mail to:

Rebecca Wochnick
Minnesota Department of Human Services
Office of Economic Opportunity
P.O. Box 64962
St. Paul, MN 55164-0951

Department of Human Services (DHS)

Health Care Administration

Public Notice Regarding Changes to Payment Rates and Methodologies, and Services under the Medical Assistance Program

This notice is published pursuant to *Code of Federal Regulations*, title 42, part 447, section 205 (42 CFR § 447.205), which requires publication of a notice when there is any significant proposed change in the methods and standards for setting payment rates for Medicaid services.

Effective for services provided on or after July 1, 2017, the Department will increase the payment rate for a package of intensive mental health services provided to children in foster care. Payment will be the lesser of the provider's submitted charge, or \$386.11. The increased payment rate resulted from a periodic review of the payment rate for the service. It was determined that because the payment rates for the component services increased, the overall payment rate for this service should increase.

This change is estimated to result in a net spending increase of \$139,000 in the MA program in state fiscal year 2018.

For more information, or questions about submitting or reviewing comments, please contact Liz Backe at (651) 431-2481 or liz.backe@state.mn.us. Comments may also be mailed to Liz Backe at PO Box 64983, St Paul, MN 55164. Comments may be reviewed by appointment at the Elmer L. Anderson Human Services building located at 540 Cedar St, St Paul, MN 55101.

Department of Human Services (DHS)

Health Care Administration

Public Notice Regarding Changes to Payment Rates and Methodologies, and Services under the Medical Assistance Program and the MinnesotaCare Program

NOTICE IS HEREBY GIVEN to recipients, providers of services, and to the public of certain statutory changes made to the Medical Assistance (MA) Program and the MinnesotaCare Program by the 2017 Minnesota Legislature.

This notice is published pursuant to 42 United States Code § 1396a(a)(13)(A) (§ 1902(a)(13)(A) of the Social Security Act), which requires the Department to publish final institutional payment rates, the methodologies underlying the establishment of such rates, and the justification for such rates. It is also published pursuant to *Code of Federal Regulations*, title 42, part 447, section 205 (42 C.F.R. § 447.205), which requires publication of a notice when there is any significant proposed change in the methods and standards for setting payment rates for Medicaid services. Changes to the MinnesotaCare program are published pursuant to *Code of Federal Regulations*, title 42, part 600, section 115 (42 C.F.R. § 600.115), which requires publication of significant changes to the Basic Health Program Blueprint.

The legislative changes are estimated to affect net spending in the MA program as described below.

The actual text of most of the 2017 legislative changes is contained in *Laws of Minnesota 2017*, First Special Session, Chapter 6. These are available by calling the House of Representatives Public Information Office at (651) 296-2146 (voice) or (651) 296-9896 (TTY) or 1-800-657-3550 (Greater Minnesota) or 1-800-627-3529 (TTY); or the Senate Information Office at (651) 296-0504 (voice) or (651) 296-0250 (TTY); for Greater Minnesota call 1-888-234-1112 (voice) or 1-888-234-1216 (TTY). These laws are also available on the internet at: <http://www.revisor.mn.gov/laws/>

It is important to note that not all changes made to these programs by the 2017 Legislature are mentioned in this notice.

Information relating to implementation of these provisions will be sent to local human services agencies through bulletins and manual updates, and to recipients and enrollees through written notice. Information will be sent to health care providers through newsletters and updates to the *Minnesota Health Care Programs Provider Manual*, available at: <http://www.dhs.state.mn.us>

Changes were made to the following program areas:

- I. MA and MinnesotaCare Services and Payment Rates
- II. MA Institutional Payment Rates
- III. MA Home and Community-Based Waivers and Payment Rates

I. MA and MinnesotaCare Services and Payment Rates

Effective for services provided on or after July 1, 2017, the Commissioner shall make a supplemental payment to ambulance service providers owned and operated by a governmental entity after establishing an upper payment limit based on the average commercial payment rate, or some other amount acceptable to the Centers for Medicare & Medicaid Services. The Commissioner currently makes supplemental payments for ambulance services provided by Hennepin County and the City of St Paul. This change allows other government-owned ambulance services to participate. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 4, section 45. This change is estimated to result in a net spending increase of \$41,500 in the MA program in state fiscal year 2018, and a net spending increase of \$41,500 in state fiscal year 2019.

Effective for services provided on or after July 1, 2017, the Commissioner shall make a supplemental payment for certain physician and other professional services provided by the University of Minnesota and University of Minnesota Physicians after establishing an upper payment limit based on the average commercial payment rate, or some other amount acceptable to the Centers for Medicare & Medicaid Services. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 4, sections 45 - 47. This change is estimated to result in a net spending increase of \$108,000 in the MA program in state fiscal year 2018, and a net spending increase of \$108,000 in state fiscal year 2019.

Effective for services provided on or after July 1, 2017, the Commissioner shall increase payment rates by 23.8 percent for dental services provided to recipients under the age of 21. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 4, section 51. This change is estimated to result in a net spending increase of \$1,700,000 in the MA program in state fiscal year 2018,

Official Notices

and a net spending increase of \$2,100,000 in state fiscal year 2019.

Effective for services provided on or after July 1, 2017, the Commissioner shall cover post-arrest, care coordination services provided to persons in the community. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 4, section 36. This change is estimated to result in a net spending increase of \$2,000 in the MA program in state fiscal year 2018, and a net spending increase of \$2,000 in state fiscal year 2019.

Effective for services provided on or after July 1, 2017, the Commissioner shall cover stiripentol for children who meet certain medical necessity criteria. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 4, section 37. This change is estimated to result in a net spending increase of \$90,000 in the MA program in state fiscal year 2018, and a net spending increase of \$90,000 in state fiscal year 2019.

Effective for services provided on or after July 1, 2017, the Commissioner shall pay for pressure and non-pressure support ventilators at the lower of the submitted charge or the Medicare fee schedule rate plus 47 percent. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 4, section 54. This change is estimated to result in a net spending increase of \$190,000 in the MA program in state fiscal year 2018, and a net spending increase of \$190,000 in state fiscal year 2019.

Effective for services provided on or after July 1, 2017, the Commissioner shall increase reimbursement rates for chemical dependency treatment services by one percent over rates in effect on January 1, 2017. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 8, section 66. This change is estimated to result in a net spending increase of \$1,200,000 in the MA program in state fiscal year 2018, and a net spending increase of \$1,200,000 in state fiscal year 2019.

Effective for services provided on or after July 1, 2017, the Commissioner shall reimburse providers of psychiatric residential treatment facility (PRTF) services using a cost-based per diem. The Commissioner shall reimburse facilities for therapeutic leave days at payment rate equal to 75percent of the cost-based per diem. The Commissioner shall reimburse facilities for hospital leave days at a payment rate equal to 50percent of the cost-based per diem. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 8, sections 68 to 69. This change is not expected to increase or decrease net expenditures for these services in the MA program.

Effective for services provided on or after July 1, 2017, the Commissioner shall determine payment rates for outpatient hospital services using information from the hospital's Medicare cost report as filed with Medicare for the year that is two years prior to the year for which the rate is being computed. The payment rate shall be equal to allowable charges multiplied by the ancillary costs plus outpatient costs (excluding costs related to rural health clinics and federally qualified health clinics), divided by ancillary charges plus outpatient charges (excluding charges related to rural health clinics and federally qualified health clinics). *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 4, section 49. This change is not expected to increase or decrease net expenditures for these services in the MA program.

Effective for services provided on or after July 1, 2017, the Commissioner shall increase payment rates by 23.7 percent to certain for-profit mental health centers that meet all the requirements to be designated as an essential community provider, other than being a non-profit. Non-profit mental health centers designated as essential community providers currently receive the enhanced payment rate. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 8, section 73. This change is estimated to result in a net spending increase of \$3,500 in the MA program in state fiscal year 2018, and a net spending increase of \$3,500 in state fiscal year 2019.

Effective July 1, 2017, the Commissioner shall reduce parental fees by thirteen percent for certain children receiving MA because they would otherwise be eligible if residing in a medical institution. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 7, section 25. This change is estimated to result in a net spending increase of \$500,000 in the MA program in state fiscal year 2018, and a net spending increase of \$500,000 in state fiscal year 2019.

Effective August 1, 2017, the Commissioner shall expand coverage of medical evaluations performed by schools to include reimbursement for evaluations that do not result in additional medical services under a child's individualized education plan. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 4, section 8. This change is not expected to increase or decrease net expenditures for these services in the MA program.

Effective for services provided on or after January 1, 2018, the Commissioner shall increase payment rates to \$140 per visit for evidence-based prenatal and postpartum follow-up home visits provided by public health nurses, and registered nurses supervised by a public health nurse. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 4, section 53. This change is

estimated to result in a net spending increase of \$200,000 in the MA program in state fiscal year 2018, and a net spending increase of \$400,000 in state fiscal year 2019.

Effective for services provided on or after January 1, 2018, the Commissioner shall revise the payment methodology under the integrated health partnerships program to include a population-based payment that supports care coordination services, and is risk-adjusted to reflect varying levels of care coordination intensiveness for enrollees with chronic conditions, limited English skills, cultural differences, are homeless, or experience health disparities or other barriers to health care. The payment shall be a per member, per month payment. Any integrated health partnership participant certified as a health care home that agrees to a payment method that includes population-based payments for care coordination is not eligible to receive a health care home payment, care coordination fee, or payment for in-reach care coordination services. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 4, sections 39 to 43. This change is estimated to result in a net savings of \$3,000,000 in the MA program in state fiscal year 2018, and a net savings of \$6,000,000 in state fiscal year 2019.

Effective for services provided on or after July 1, 2018, the Commissioner shall implement a volume purchase program for incontinence products and related supplies. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 4, section 35. This change is estimated to result in a net savings of \$1,000,000 in the MA program in state fiscal year 2019, and a net savings of \$5,000,000 in state fiscal year 2020.

II. MA Payment Rates for Institutional Providers Nursing Facilities

Pursuant to the Governor's 2017 budget, the Department proposed changes to payment rates in the Medical Assistance (MA) program for inpatient hospital services, intermediate care facilities, and nursing facilities. The Minnesota Legislature considered the Department's proposed changes, gathered information, and held public hearings at which advocates, trade associations, providers, and the general public were invited to attend. The legislature considered public input and made the following changes:

Inpatient Hospitals

Effective for discharges on or after July 1, 2017, the Commissioner shall rebase payment rates for inpatient hospital services using calendar year 2014 as the base year. The inflation factor applied for this rebasing, and each rebasing thereafter, is limited to the lower of the hospital cost index, or the percent change in the case mix adjusted cost per claim between the two base years. Payments to rehabilitation hospitals and rehabilitation distinct part units of hospitals are incorporated into the payment structure for hospitals paid under the prospective payment system. The Commissioner shall pay for hospital stays that exceed 180 days in length using the same cost outlier methodology used for high cost stays less than 180 days in length. The Commissioner's authority to use policy adjustment factors for payments to hospitals paid under the prospective payment system is extended. Policy adjustment factors are revised effective July 1, 2017, as follows:

- Mental health: A policy adjustment factor of 2.20 will be applied when the severity of illness is equal to one. A policy adjustment factor of 2.25 will be applied when the severity of illness is equal to two. A policy adjustment factor of 1.90 will be applied when the severity of illness is equal to three. A policy adjustment factor of 1.90 will be applied when the severity of illness is equal to four.
 - Normal newborn: A policy adjustment factor of 1.25 will be applied regardless of severity of illness.
 - Obstetrics – vaginal deliveries: A policy adjustment factor of 1.15 will be applied to vaginal deliveries in a hospital located within the seven-county metro area, regardless of severity of illness.
 - Obstetrics – cesarean deliveries: A policy adjustment factor of 1.15 will be applied to all cesarean deliveries, regardless of severity of illness.
 - Obstetrics – other: A policy adjustment factor of 1.35 will be applied for services received in a hospital located outside the seven-county metro area; a policy adjustment factor of 1.15 will be applied for services received in a hospital located within the seven-county metro area. Policy adjustment factor are applied regardless of severity of illness.
 - Rehabilitation: A policy adjustment factor of 1.50 will be applied regardless of severity of illness.

Laws of Minnesota 2017, First Special Session, Chapter 6, Article 4, sections 5 – 15. This change is not expected to increase or decrease net expenditures for these services in the MA program.

Effective for rate years beginning on or after January 1, 2015, The Commissioner shall create an alternative payment methodology for children's hospitals using the same cost coverage level as the hospitals would have received under the standard payment methodology for the payment year. If the Commissioner is required to include Medicare and other third party payments as described in the final rule published by the Centers for Medicare & Medicaid services on April 3, 2017, when determining Disproportionate Share Hospital payments, then the Commissioner shall pay children's hospitals at the higher of the alternative payment methodology, or the methodology described in the April 3, 2017, final rule. *Laws of Minnesota 2017*, Chapter 32. This change is

Official Notices

not expected to increase or decrease net expenditures for these services in the MA program.

Intermediate Care Facilities

Effective for services provided on or after July 1, 2017, the Commissioner shall adjust the rate paid to an Intermediate Care Facility for persons with Developmental Disabilities (ICF/DD) with 14 licensed beds and located in Murray County, to \$400.00 per bed, per day. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 3, section 27. This change is estimated to result in a net spending increase of \$415,000 in the MA program in state fiscal year 2018, and a net spending increase of \$415,000 in state fiscal year 2019.

Effective for services provided on or after July 1, 2017, the Commissioner shall eliminate occupancy requirements when determining whether an intermediate care facility may receive payment for a therapeutic leave day. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 3, section 26. This change is estimated to result in a net spending increase of \$55,000 in the MA program in state fiscal year 2018, and a net spending increase of \$55,000 in state fiscal year 2019.

Nursing Facilities

Effective upon enactment, the Commissioner shall end payment increases authorized under Minnesota Statutes, Section 256R.49, subdivision 1. Rate increases implemented before October 1, 2016, expire effective January 1, 2018, and rate increases implemented on or after October 1, 2016, expire effective January 1, 2019. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 3, section 46. This change is estimated to result in a net savings of \$200,000 in the MA program in state fiscal year 2018, and a net savings of \$500,000 in state fiscal year 2019.

Effective for services provided on or after July 1, 2017, the Commissioner shall implement rate adjustments to a facility's property payment on the first of the month of January or July, whichever comes first, after a facility either delicenss beds or puts beds into layaway status. Effective January 1, 2018, the Commissioner shall implement rate adjustments to a facility's property-related payment on the first of the month of January or July, whichever comes first, after a facility completes a construction project or capital improvement project eligible for a rate adjustment. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 3, sections 20 – 22. This change is estimated to result in a net savings of \$51,000 in the MA program in state fiscal year 2018, and a net savings of \$226,000 in state fiscal year 2019.

Effective for services provided on or after January 1, 2018, the suspension of the authority to designate critical access nursing facilities is extended until December 31, 2019. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 3, section 45. This change is estimated to result in a net savings of \$845,000 in the MA program in state fiscal year 2018, and a net savings of 1,300,000 in state fiscal year 2019.

III. MA Home and Community-Based Services and Payment Rates

Effective on or after July 1, 2017, the Commissioner shall adjust payment rates based on the benefits and wages negotiated with the Service Employees International Union for providers of community first services and supports; consumer directed community supports services and extended state plan personal care assistance services; and the personal care assistance choice program. The Commissioner shall implement the adjustment once negotiations conclude, consistent with the negotiated agreement. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 1, section 53. This change is estimated to result in a net spending increase of \$12,000,000 in the MA program in state fiscal year 2018, and a net spending increase of \$12,000,000 in state fiscal year 2019.

Effective for services provided on or after July 1, 2017, the Commissioner shall reduce the number of rate components requiring an automatic inflationary update every five years, when developing payment rates for services provided under the home and community-based services waivers. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 1, section 24. This change is estimated to result in a net savings of \$2,776,918 in the MA program in state fiscal year 2018 and a net savings of \$8,120,223 in state fiscal year 2019.

Effective for services provided on or after July 1, 2017, the Commissioner shall implement individualized home supports under the home and community-based services waivers. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 1, sections 23 to 24. This change is not expected to increase or decrease net expenditures for these services in the MA program.

Effective for services provided on or after September 30, 2017, the Commissioner shall establish an exception to the current consumer-directed community supports (CDCS) budget to support certain persons leaving institutions and crisis residential settings. The amount of this exception will be no more than the cost of appropriate services provided in a non-institutional setting as determined by the lead agency. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 1, section 45. This change is not

expected to increase or decrease net expenditures for these services in the MA program.

Effective for services provided on or after October 1, 2017, the Commissioner shall establish an exception to the consumer-directed community supports budget for individuals whose coordinated service and support plan indicates a need for one of the following: increased employment opportunities, supported transition to settings not provider-owned or operated, or development and implementation of a positive behavior support plan. The exception will allow a recipient to use up to 30 percent more of their budget for these services. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 1, section 44. This change is not expected to increase or decrease net expenditures for these services in the MA program.

Effective for services provided on or after January 1, 2018, the Commissioner shall adjust the following component values used to develop payment rates for unit-based services under the home and community-based service waivers:

- non-wage component values for the program plan support ratio: from 3.1 percent to 15.5 percent for unit-based with programming services, and from 3.1 percent to 7 percent for unit-based without programming services;
- client programming and support ratio: from 8.6 percent to 4.7 percent for unit-based with programming services, and from 8.6 percent to 2.3 percent for unit-based without programming services; and
- program related expenses: no change for unit-based with programming services, and from 6.1 percent to 2.9 percent for unit-based services without programming;

The Commissioner shall also adjust the wage component for housing access coordination services from 50 percent of the median wage for a social service specialist and 50 percent of the median wage for social and human services aide as reported by the Bureau of Labor Statistics, to 100 percent of the median wage level reported by the Bureau of Labor Statistics for community and social services specialist. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 1, section 24. This change is estimated to result in a net savings of \$30,180 in the MA program in state fiscal year 2018 and a net spending increase of \$65,938 in state fiscal year 2019.

Effective for services provided on or after January 1, 2018, the Commissioner shall remove the budget neutrality factors used for residential and unit-based services under the disability waiver rate system. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 1, section 29. This change is estimated to result in a net spending increase of \$989,258 in the MA program in state fiscal year 2018 and a net spending increase of \$4,901,275 in state fiscal year 2019.

Effective for services provided on or after January 1, 2019, the Commissioner shall implement a new payment rate methodology for some services within the Elderly Waiver (EW), Alternative Care (AC), Essential Community Supports (ECS), Brain Injury (BI) waiver, and Community Access for Disability Inclusion (CADI) waiver programs. The services subject to the new methodology are: adult day, chore, home delivered meals, and homemaker under EW, AC, and ECS; companion, respite, and individual community living support under EW and AC; foster care and residential care under EW; and customized living under EW, CADI, and BI. The methodology uses data from the Bureau of Labor Statistics to create base wages, and then applies additional factors to determine rates and component rates. The new methodology shall constitute 10 percent of the total payment. The remaining 90 percent of the payment rate shall be calculated using the payment methodology in effect on June 30, 2017. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 3, sections 9, and 13 to 18. This change is estimated to result in a net spending increase of \$369,000 in state fiscal year 2018, and a net spending increase of \$2,241,000 in state fiscal year 2019.

Effective for services provided on or after January 1, 2019, the Commissioner shall adjust the following wage components used for calculation in the disability waiver rate system:

- overnight wage for family and corporate foster care services: from \$7.66 per hour to the state's minimum wage for large employers;
- overnight wage in a family foster care setting: from \$2.80 per hour to 36 percent of the state's minimum wage for large employers;
- supervisor wage for all services, except for behavioral services: from \$17.43 per hour to 100 percent of the median wage level reported by Bureau of Labor Statistics for community and social services specialist;
- supervisor wage for behavioral services: from \$30.75 per hour to 100 percent of the median wage level reported by the Bureau of Labor Statistics for clinical counseling and school psychologist;
- registered nurse: from \$30.82 per hour to 100 percent of the median wage level reported by the Bureau of Labor Statistics for registered nurses; and
- licensed practical nurse: from \$18.64 per hour to 100 percent of the median wage level reported by the Bureau of Labor Statistics for licensed practical nurses.

Official Notices

Laws of Minnesota 2017, First Special Session, Chapter 6, Article 1, section 24. This change results in a net spending increase in the MA program of \$2,198,218 in state fiscal year 2019.

Effective for services provided on or after January 1, 2019, the Commissioner shall adjust the absence and utilization factor from 3.9 percent to 9.4 percent for adult day care services, day training and habilitation, prevocational services, and structured day services. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 1, section 24. This change results in a net spending increase in the MA program of \$1,237,209 in state fiscal year 2019.

Upon federal approval, the Commissioner shall provide the following services under the home and community based services waivers: employment exploration, employment development, and employment support. The rates for these services will be calculated using a unit-based methodology as described in Minnesota Statutes, section 256B.4914 subd. 8. Upon implementation, supported employment services will no longer be covered, and day training and habilitation services will no longer include these services. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 1, sections 2, 3, 21, 23, 24, 27. This change is estimated to result in a net savings of \$1,759,978 in the MA program in state fiscal year 2018, and a net savings of \$4,014,540 in state fiscal year 2019.

Upon federal approval, the Commissioner shall add one additional year of rate stabilization (calendar year 2020) to the disability waiver rate system. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 1, section 20. This change is estimated to result in net savings of \$6,417,358 in the MA program in state fiscal year 2020 and net savings of \$33,232,469 in state fiscal year 2021.

Upon federal approval, the Commissioner shall implement an additional payment tier for independent living skills (ILS) services to the disability waiver rate system. *Laws of Minnesota 2017*, First Special Session, Chapter 6, Article 1, sections 23 to 24. This change is estimated to result in a net spending increase of \$193,713 in the MA program in state fiscal year 2018 and a net spending increase of \$892,998 in state fiscal year 2019.

Upon federal approval, the Commissioner shall pay for respite services at an amount typically charged on a market basis. *Laws of Minnesota 2017*, First Special Session Chapter 6, Article 1 Sec. 22. This change is estimated to result in a net spending increase of \$25,851 in the MA program in state fiscal year 2018 and a net spending increase of \$136,854 in state fiscal year 2019.

For more information, or questions about submitting or reviewing comments, please contact Matt Burdick at (651) 431-4858 or matthew.burdick@state.mn.us. Comments may also be mailed to Matt Burdick at PO Box 64983, St Paul, MN 55164. Comments may be reviewed by appointment at the Elmer L. Anderson Human Services building located at 540 Cedar St, St Paul, MN 55101.

Minnesota Pollution Control Agency

Municipal Division

REQUEST FOR COMMENTS on Possible Amendments to Rules Governing Water Quality Fees, Minnesota Rules, Chapters 7002 and 7083; Revisor's ID Number R-04476

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is requesting comments on planned amendments to the water quality fee rules, *Minnesota Rules* Chapters 7002 (Permit Fees) and 7083 (SSTS Credentialing and Product Registration). The MPCA is considering amendments to the water quality fee rules that would increase permit application fees, additional fees, and annual fees. This includes fees for municipal and industrial wastewater permits, noncontact cooling water permits, stormwater permits, feedlot permits, septic systems, environmental review, variances, and laboratories required to be certified under *Minnesota Statutes*, section 115.84. The MPCA may make rule changes to some or all of these fees.

Plain English Summary. This Request for Comments is the MPCA's legal notice of its intent to begin rulemaking. This is an opportunity to provide comments on the MPCA's planned amendments to the rules and an opportunity for you to provide information or comment on any relevant issues related to this rulemaking. For example, we recognize that costs, and in particular, an increase in fees for regulated parties, are a concern. If you have cost information or data related to this rulemaking that you wish to share with us to inform our decisions, please submit that information in writing. Draft rule language is not available at this time. We want your written comments on the Subject of Rules section below. Comments should be submitted in writing as described in the Public Comment section below. More information about this rulemaking is available on the MPCA's Water Quality Fee Rule webpage at <https://www.pca.state.mn.us/amendments-water-quality-fee-rules>.

Stakeholder Video Conference. The MPCA will hold a video conference to share information on this rulemaking and to hear your thoughts and comments on planned amendments to the water quality fee rules. The video conference will be held simultaneously at the MPCA's St. Paul office and at the MPCA offices listed below on **Monday, July 24, 2017, 2:00 p.m. to 4:00 p.m., and 6:00 p.m. to 8:00 p.m.** Information about any additional stakeholder meetings that may be planned will be available on the MPCA's Water Quality Fee Rule webpage. The purpose of this video conference is to share information about amending the rules and clarify the MPCA's intent with this rulemaking so that stakeholders may effectively provide written informal comments on this rulemaking.

- MPCA St. Paul, Room 100 and video conference Room 4-1, 520 Lafayette Road North, St. Paul, MN 55155
- MPCA Brainerd, video conference room, 7678 College Road, Suite 105, Baxter, MN 56425
- MPCA Detroit Lakes, video conference room, 714 Lake Avenue, Suite 220, Detroit Lakes, MN 56501
- MPCA Duluth, video conference room, 525 Lake Avenue South, Suite 400, Duluth, MN 55802
- MPCA Mankato, video conference room, 12 Civic Center Plaza, Suite 2165, Mankato, MN 56001
- MPCA Marshall, video conference room, 504 Fairgrounds Road, Suite 200, Marshall, MN 56258
- MPCA Rochester, video conference room, 18 Wood Lake Drive Southeast, Rochester, MN 55904
- MPCA Willmar, video conference room, 1601 Highway 12 East, Suite 1, Willmar, MN 56201

Directions to these offices is available on the MPCA webpage at <https://www.pca.state.mn.us/about-mpca/mpca-offices> or by contacting the MPCA contact person listed in this notice. Please note access to the MPCA offices is controlled. To attend the video conference you will be asked to sign in at the security desk and provide photo identification, such as a driver's license. MPCA staff will be present at all locations to facilitate the video conference.

Submitting your comments and information at this stage in the rule development process allows the MPCA to consider your ideas, information you provide, and issues you may raise early in this rulemaking process, and helps to ensure informed decision-making on our part. If this rulemaking affects you in any way, the MPCA encourages you to participate in the rulemaking process.

Alternative Format/Accommodation. Upon request, the information in this notice can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the MPCA contact person via the contact information listed below.

Subject of Rules. The purpose of this rulemaking is to amend provisions related to water quality fees. Water quality fees have not kept pace with costs. As a consequence, the current fees authorized in the rules do not generate sufficient revenue to cover the costs of administering water quality programs associated with the fees. The rulemaking anticipates amending fee provisions in order to generate revenue that more closely covers the cost of administering fee-based water quality programs. The MPCA is authorized to collect permit application fees, additional fees, and annual fees. These include fees for municipal and industrial wastewater permits, noncontact cooling water permits, stormwater permits, feedlot permits, septic systems, environmental review, variances, and laboratories required to be certified under *Minnesota Statutes*, section 115.84.

The MPCA proposes to update fees to better reflect the actual agency costs of administering state and federal requirements associated with fee-based water quality programs that protect the state's water resources. Another purpose of the rulemaking is to adjust fees to reflect a more equitable distribution of permit costs among the broad spectrum of affected permittees. Finally, the MPCA will also consider rule changes to include an inflation factor to enable fees to reflect our increasing costs. To mitigate the initial impact of fee changes, the MPCA may propose a schedule for phasing in fee changes.

The MPCA is at the first stage of the rule process and invites comments and input on the subject of amending the water quality fee rules and the questions below. Please consider commenting and include the "why" behind your comment or recommendation, and the specific water quality program that is the subject of your comment. Instructions on how to submit comments are described in the Public Comment section below.

1. Are there particular existing fees the MPCA should focus on increasing and why?
2. Are there specific new fees the MPCA should consider and why?
3. Are there fee options or structures that the MPCA should pursue, for example a phase-in schedule or built-in step up for inflation increases?
4. Are there particular existing fees the MPCA should increase due to greater environmental risk of a project?
5. Are there particular existing fees the MPCA should not increase or even consider decreasing and why?
6. Are there constraints or factors regarding fee increases the MPCA should consider and why?

Official Notices

Persons Affected. The planned amendments to the rules will likely affect persons required to obtain a permit from the MPCA under Minn. R. 7001.0020, items C to F, and 7090.0030; or laboratories required to be certified under Minn. R. 7001.4310 to 7001.4390. This includes permit application fees, additional fees, and annual fees associated with municipal and industrial wastewater permits, noncontact cooling water permits, stormwater permits, feedlot permits, septic systems, environmental review, and laboratories required to be certified under *Minnesota Statutes*, section 115.84.

Statutory Authority. *Minnesota Statutes*, section 116.07, subdivision 4d(a); section 115.03, subdivisions 1(j) and 1(n); section 115.551; section 115.77, subdivision 1; and section 115.84, subdivisions 2 and 3, authorize the MPCA to establish and collect water quality program fees.

Public Comment. Interested persons or groups may submit written comments on the Subject of Rules section and on other information related to this rulemaking until **4:30 p.m. on Monday, August 14, 2017**. Written comments or information should be submitted to the Office of Administrative Hearings Rulemaking e-Comments website at <https://minnesotaoah.granicusideas.com>. All comments received are public and will be available for review at the Office of Administrative Hearings. The MPCA will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The MPCA does not plan to appoint an advisory committee to comment on the possible rules.

The MPCA requests any information about whether the cost of complying with the rule in the first year after the rule takes effect will exceed \$25,000 for one small city or business under *Minnesota Statutes*, section 14.127.

The MPCA is interested in whether local governments might be required to adopt or amend an ordinance or other regulation under *Minnesota Statutes*, section 14.128 to implement these rules and therefore requests that local governments provide us with relevant information about their ordinances.

The MPCA also requests any information pertaining to the cumulative effect of the rule amendments with other federal and state regulations under *Minnesota Statutes*, section 14.131(8), as related to the specific purpose of the rule. Cumulative effect means the incremental impacts that result from the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules.

Rules Drafts. As stated above, draft rule language is not available at this time. If you are interested in being notified when a draft of the rules is available, please register for GovDelivery bulletins at <https://public.govdelivery.com/accounts/MNPCA/subscribe/new>. You may also contact the MPCA contact person and request to receive a draft of the rules when it is available.

MPCA Contact Person. The MPCA contact person is Mary H. Lynn at the MPCA, 520 Lafayette Road North, St. Paul, MN 55155-4194; telephone 651-757-2439; and mary.lynn@state.mn.us. You may also call the MPCA at 651-296-6300 or 800-657-3864 or use your preferred relay service info.pca@state.mn.us.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the Administrative Law Judge if and when the MPCA starts a proceeding to adopt rules. The MPCA is required to submit to the Administrative Law Judge only those written comments received in response to the draft rules after they are proposed. If you submit comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews your comments, you must resubmit the comments after the rules are formally proposed.

Date: 6/12/2017

John Linc Stine, Commissioner
Minnesota Pollution Control Agency

Minnesota Department of Transportation (MnDOT)

Office of Transportation System Management (OTSM)

Notice of Solicitation for Public Review and Comment on the Draft State Transportation Improvement Program (STIP) for State Fiscal Years 2018-2019-2020-2021 (July 1, 2017 through June 30, 2021)

The Minnesota Department of Transportation is offering an opportunity for public review and comment on a draft list of projects to be included in the *State Transportation Improvement Program* (STIP) for state fiscal years 2018-2019-2020-2021 (July 1, 2017 through June 30, 2021).

The regular program of transportation projects annually utilizes approximately \$680 million federal funds, \$292 million of state trunk highway funds, plus trunk highway bonds, local agency funds, and other funding sources. This does not include 2017 Special Session Number One (1) funding.

The program includes local road and bridge projects; transit capital investments; state highway road and bridge projects; national highway road, bridge, and freight projects, Highway Safety Improvement Program (HSIP) projects; Congestion Mitigation and Air Quality (CMAQ) projects; and Surface Transportation Alternatives Program (TAP) projects.

The draft list of projects in the STIP is available for review at the Department of Transportation District Offices:

District 1 – Duluth, 1123 Mesaba Avenue, Duluth, MN 55811 (Phone 218-725-2700)

District 2 – Bemidji, 3920 Highway 2 West, Bemidji, MN 56601 (Phone 218-755-6500)

District 3 – Baxter, 7694 Industrial Park Road, Baxter, MN 56425-8096 (Phone 800-657-3971)

District 4 – Detroit Lakes, 1000 Hwy. 10 West, Detroit Lakes, MN 56501 (Phone 800-657-3984)

District 6 – Rochester, 2900 48th Street NW, Rochester, MN 55901-5848 (Phone 507-286-7500)

District 7 – Mankato, 2151 Bassett Dr, Mankato, MN 56001-6888 (Phone 800-657-3747)

District 8 – Willmar, 2505 Transportation Road, Willmar, MN 56201 (Phone 800-657-3792)

Metro District – Water's Edge Building, 1500 W. Co. Rd. B-2, Roseville, MN 55113-3174 (Phone 651-234-7500)

Office of Transportation System Management, Mail Stop 440, 395 John Ireland Boulevard, Third Floor South, St. Paul, MN 55155.

You have 30 calendar days to submit written comments. Comments must be received by **4:30 p.m. on July 25, 2017**. Comments are encouraged and should identify the portion of the STIP addressed, reason for the comment, and any change proposed.

Please direct all correspondence to:

Deb Peña

Office of Transportation System Management

Minnesota Department of Transportation

Mail Stop 440

395 John Ireland Boulevard

St. Paul, MN 55155

Email: debbie.pena@state.mn.us

Phone: (651) 366-3775

Office Phone: (651) 366-3798

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/>

Department of Human Services (DHS)

Mental Health Division

Notice of Request for Proposals to Evaluate the Minnesota Model of School-Based Diversion for Students with Co-Occurring Disorders

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals to evaluate The Minnesota Model of School-Based Diversion for Students with Co-Occurring Disorders.

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

Bill Wyss
Department of Human Services
Mental Health Division
P.O. Box 64981
St. Paul, MN 55164 0981
Phone: (651) 431-2364, Fax: (651) 431-7566
Bill.wyss@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, August 4, 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.

Department of Human Services (DHS)

Mental Health Division

Notice of Request for Proposals to Pilot the Minnesota Model of School-Based Diversion for Students with Co-Occurring Disorders

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals to pilot The Minnesota Model of School-Based Diversion for Students with Co-Occurring Disorders.

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

Bill Wyss
Department of Human Services
Mental Health Division
P.O. Box 64981
444 Lafayette Road North, St. Paul, MN 55164 0981
Phone: (651) 431-2364, Fax: (651) 431-7566
Bill.wyss@state.mn.us

State Grants & Loans

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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.

Department of Administration

Real Estate and Construction Services

Notice of Availability of RE-SOLICITATION of Request for Qualifications (RFQ) for Construction Manager at Risk for Infrastructure Improvements at MDA/MDH Lab Building

NOTICE IS HEREBY GIVEN that the State of Minnesota Department of Administration, represented by Real Estate and Construction Services Division (RECS), is seeking Construction Manager at Risk services for the Infrastructure Improvements at MDA/MDH Lab Building Project.

A full Request for Qualifications is available on the Department of Administration's Virtual Plan Room at <http://www.ipdservices.com/clients/MMD/>, with the Project Name "CMRisk Infrastructure Improvements MDA/MDH Lab Bldg RFQ – RESOLICITATION (RECS#02LB0017)" and may be downloaded for a fee of \$7.00. To be considered for selection and a contract, responses must be submitted by the date and time indicated in the RFQ.

A mandatory informational meeting is tentatively scheduled for Tuesday, July 11, 2017 at 1:30 p.m. C.S.T. If you attended the mandatory informational meeting for the original RFQ solicitation on May 30, 2017, you are not required to attend this meeting. Project questions will be taken by Talia Landucci Owen at talia.landucci-owen@state.mn.us. Questions regarding this RFQ must be received by Friday, July 14, 2017 at 5:00 p.m. C.S.T.

Responses must be received by the Real Estate and Construction Services, Department of Administration, 309 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155, Attn.: Talia Landucci Owen, no later than **Tuesday, July 25, 2017 by 12:00 noon C.S.T.** Late responses will not be accepted.

The Department of Administration, Real Estate and Construction Services Division is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest. All expenses incurred in responding to this notice are solely the responsibility of the responder.

State Contracts

Minnesota State Colleges and Universities (MnSCU)

System Office

Request for Proposals for Financial Advising Services - Revenue Fund

Minnesota State Colleges and Universities, on behalf of the system office, is seeking financial advising for debt issuance services and non-debt issuance activities for its Revenue Fund. Detailed information is contained in the Request for Proposal, which is found here: <http://www.minnstate.edu/system/finance/facilities/design-construction/announcements/index.html>

Written proposals are due no later than **4:00 pm Central Daylight Time (CDT) on July 19, 2017** to the following:

Gregory Ewig, Director, Capital Development
30 E. 7th Street, Suite 350
St. Paul, Minnesota 55101

Faxes are not acceptable. Late responses will not be considered.

Minnesota State will be hosting a pre-proposal conference call for interested firms on **June 28, 2017 at 1:00 p.m.** To register for the call, please email kay.buhl@so.mnscu.edu.

Minnesota State Colleges and Universities (MnSCU)

System Office, Marketing and Communications

Request for Proposals for Qualified Vendors to Develop Style Guide for Minnesota State Transfer Pathways Program

Request for Proposals for identifying a vendor to assist in developing a mark and supplemental style guide for Minnesota State Transfer Pathways program, as well as provide design services to develop initial marketing tools.

Minnesota State Colleges and Universities (Minnesota State) is in the process of rolling out its Transfer Pathways, which are curriculum plans created by teams of educators from around Minnesota to ensure Minnesota State students who complete certain associate degrees can transfer to any of the seven Minnesota State universities to obtain a bachelor's degree without losing time and money, and without generating excess credits. The first of the Transfer Pathways programs will roll out in fall 2017, and a larger wave is set to roll out in fall 2018.

As part of the launch, the Minnesota State system office is seeking proposals to assist in developing a mark and supplemental style guide for the Transfer Pathways program that can be used by the colleges, universities, and system office, as well as provide design services to develop initial marketing tools. The objective of this work will be to create clear, consistent materials that can be used by all colleges and universities to aid in marketing the Transfer Pathways program, but also provide the flexibility to customize information to their individual college or university.

The selected vendor will work with the Minnesota State marketing and communications division and academic and student affairs division, as well as select marketing professionals and Transfer Pathways experts from member colleges and universities, to develop the tools outlined. The vendor will also be provided with the Minnesota State brand identity standards and necessary information regarding the Transfer Pathways program to guide the development of the marketing materials. The style guide and final mark/symbols must be delivered by Oct. 20, 2017.

Minnesota State must receive All responses to this RFP no later than **5:00 P.M. Central Time on Monday, July 17, 2017** and should be delivered to:

Minnesota State Colleges and Universities, System Office
Margie Takash, Administrative Project Support
Marketing and Communications Division
30 7th Street East, Suite 350
St. Paul, MN 55101

Inquiries about this RFP must be directed to:

Erin Edlund, Director of Marketing
Telephone: 651-201-1832
E-mail: erin.edlund@minnstate.edu

For a complete copy of the RFP and required submission materials, please visit the RFP website at <http://www.mnscu.edu/vendors/index.html> (following Transfer Pathways Style Guide link).

Minnesota State Colleges and Universities (MnSCU) Anoka Ramsey Community College Notice of Request for Proposals (RFP) for Roof Replacement Design Services

NOTICE IS HEREBY GIVEN that Anoka Ramsey Community College (ARCC) is soliciting proposals from qualified vendors for Roof Replacement Design Services at its **Cambridge** campus. The full Request for Proposal (RFP) will be available Monday, June 26 at: <http://www.mnscu.edu/system/finance/facilities/design-construction/announcements/index.html> on the Solicitations page under Requests for Proposals (RFP). All requirements and information, as well as proposal delivery instructions will be contained in the RFP.

Proposals must be delivered to:

Kenneth Karr
Director of Facilities
Anoka Ramsey Community College
11200 Mississippi Blvd NW
Coon Rapids, MN 55433
Tel. (763) 433-1322
Email: Kenneth.karr@anokaramsey.edu

Proposals must be received **NO** later than **11:00 AM, Friday, July 7, 2017**; late responses will not be considered. Anoka Ramsey Community College reserves the right to reject any or all proposals, to waive any irregularities or informalities, and to cancel the solicitation if it is considered to be its own best interest. This Request for Proposals does not obligate ARCC to award a contract.

Minnesota State Colleges and Universities (MnSCU) Century College Notice of Request for Proposals for Child Care

NOTICE IS HEREBY GIVEN that Century College is soliciting proposals from qualified vendors for Child Care.

The full Request for Proposal (RFP) will be available Monday, June 12, 2017 at the following website:
<http://www.mnscu.edu/vendors/index.html>.

All requirements and information, as well as proposal delivery instructions will be contained in the RFP.

Deadline for proposal response is **2:00 pm Central Time Monday, July 10, 2017**. Submit proposals to:

Sue Wennen, Purchasing & Auxiliary Services Supervisor
Business Office, West Campus
Room 2350, Main Entrance
Century College
3300 Century Avenue North
White Bear Lake, MN 55110
651.773.1714
Suzanne.wennen@century.edu

Century College reserves the right to reject any or all proposals, to waive any irregularities or informalities in proposals received, and to cancel the solicitation if it is considered to be in its own best interest. This Request for Proposal does not obligate Century College to award a contract.

State Contracts

Minnesota State Colleges and Universities (MnSCU)

Hennepin Technical College – Brooklyn Park Campus

Notice of Availability of Request for Proposals (RFP) for a Roofing Design Team for 2017 Main Building Area C1 Roof Replacement Project

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of Hennepin Technical College, is soliciting proposals from interested, qualified consulting roof design firms for the above referenced project.

The Request for Proposals and a copy of the Predesign information is available on the Minnesota State website: <http://www.minnstate.edu/system/finance/facilities/design-construction/announcements/index.html>, check under “Requests for Proposals.”

A Mandatory pre-proposal Project Information Meeting is scheduled for Thursday, July 6, 2017, at 1:00 pm at the Hennepin Technical College Brooklyn Park Campus, Room D112, 9000 Brooklyn Boulevard, Brooklyn Park, MN 55445. Project questions shall be referred to the appropriate Project Contact person as listed in the Request for Proposals.

Proposals from interested firms must be delivered to Joe Wightkin, Director of Operations, Room D112, 9000 Brooklyn Boulevard, Brooklyn Park, MN 55445 not later than **1:00 pm, Wednesday, July 19, 2017. Late responses will not be considered.**

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

Minnesota State Colleges and Universities (MnSCU)

Saint Paul College

Request for Bids for Electromechanical Systems Equipment

Saint Paul College is requesting sealed bids from qualified vendors on multiple pieces of electromechanical systems equipment to support Electromechanical Systems Diploma Program at Saint Paul College.

The equipment should be delivered to the college on or before September 15, 2017.

To receive a complete copy of the bid specifications please contact Nataliya.kabakova@saintpaul.edu

Sealed bids must be received by **2PM Tuesday July 11, 2017** must be addressed to Nataliya Kabakova, Purchasing Technician, Business Office, Saint Paul College 235 Marshall Ave Saint Paul MN 55102

Any technical questions should be directed to frank.braswell@saintpaul.edu

Late responses will not be considered.

Saint Paul College is not obligated to award a contract and reserves the right to cancel this solicitation.

Minnesota Historical Society (MNHS)

Request for Proposals for Hazardous Materials Survey for the Historic Fort Snelling Revitalization

The Minnesota Historical Society (MNHS) is soliciting proposals from firms and individuals (Responder) to work collaboratively with MNHS in performing a Hazardous Materials Survey for the Historic Fort Snelling Revitalization project (Project) in Hennepin County, MN.

The Request for Bid is available by contacting Mary Green Toussaint, Contract Manager, Minnesota Historical Society, by e-mail only: mary.green-toussaint@mnhs.org

There will be a MANDATORY pre-bid meeting for all interested parties on **Wednesday July 13, 2017, beginning promptly**

at 8:30 a.m.- 10:30 am Local Time at the project site: Historic Fort Snelling Visitor Center | 200 Tower Avenue | Saint Paul, MN 55111

All bids must be received by Mary Green Toussaint, Contract Manager, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, Minnesota 55102, or her authorized agent no later than **2:00 p.m. Local Time, Thursday, July 25, 2017.**

“Authorized agent” means the receptionist at the 1st Floor Information Desk

Office of the Revisor of Statutes Notice of Request for Business Process Analyst Contractor

NOTICE IS HEREBY GIVEN that the Office of the Revisor of Statutes intends to enter into one contract for consulting. The need is for one (1) Business Process Analyst. The total contract timeframe is July 12, 2017 to January 31, 2018. The total contract timeframe will be divided into segments. Work schedules and maximum billable hours may be changed by the Revisor in each segment. The first segment is from July 12 to September 29, 2017 with an estimated maximum billable hours of 368 hours.

The Minnesota Administrative Rules Status System (MARSS) is a concept for a new software application. The goal is to improve public access, security, preservation, and transparency of state agencies’ official rulemaking records through the creation of a single online records system. As envisioned, MARSS would serve as a single Internet location for the public to track rulemaking progress and access the official rulemaking record.

The MARSS Working Group will exist between August 2017 and February 2018. The working group is tasked with: a) identifying the functional and nonfunctional requirements of the MARSS system; and b) defining a funding mechanism.

Additional details about the pilot project and the contractor's responsibilities and qualifications are available at <https://www.revisor.mn.gov/office/jobs/>

All responses must include a cover letter and resume, together with hourly rates and references. Responses must be received no later than **4:30 p.m. on Friday, July 7, 2017.** The Revisor’s office reserves the right to award all, a part, or none of the above-described contracts.

Inquiries and responses may be directed to:

Melissa Patsch
Attn: BPA contractor
Office of the Revisor of Statutes
700 State Office Building
100 Dr. Martin Luther King Blvd.
St. Paul, MN 55155-1297

E-mail: Melissa.Patsch@revisor.mn.gov
Phone: (651) 297-1263

TTY use State Relay Services 1-800-627-3529

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.

State Contracts

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/>.

Dakota County

Notice Of Request For Letter of Interest (LOI) For Psychosexual Evaluation Service

Notice is hereby given that the Dakota County Social Services, Children and Family Services and Community Corrections, is soliciting proposals from interested and qualified parties for the purpose of providing Psychosexual Evaluation services for children and families.

Services will be funded by the client's insurance or Dakota County Social Services.

Non-State Public Bids, Contracts & Grants

Successful responder's will have proven experience the aforementioned areas, has the appropriate certification, qualified staff and meet the service criteria. Additional consideration may be given to providers who can demonstrate the ability to access third party insurance reimbursement through contracted relationships with PMAP providers. Provider must be able to assure access to service though out the entire area served by Dakota County.

The selected Respondents will be expected to enter into a contractual agreement with Dakota County commencing January 1, 2018.

To access the complete LOI online, or to acquire additional information about Dakota County visit our website at:
<http://www.co.dakota.mn.us/Government/DoingBusiness/BidProposalsInformation/Pages/default.aspx>

Contact: Lori Tolzman, Contract Manager
Dakota County Community Services Division
1 Mendota Road West, Suite 500
West St. Paul, MN 55118-4773

Email: Lori.Tolzman@co.dakota.mn.us

Responder's Meeting is scheduled from 2:30-3:30 a.m. CDT on Thursday, July 13, 2017 at the Dakota County Western Service Center in Apple Valley. See proposal for details.

Deadline for proposals is 4:00 p.m. CDT on Thursday, July 27, 2017. No late proposal will be considered.

Metropolitan Airports Commission (MAC) Notice of Call for Bids for 2017 Runway 12R-30L Tunnel Drainage Improvements

Project Location: Minneapolis-St. Paul International Airport
Project Name: 2017 Runway 12R-30L Tunnel Drainage Improvements
MAC Contract No. 106-1-282
Bids Close At: 2:00 PM on July 25, 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. This project provides for drainage improvements and repair of leaking tunnel joints in the Runway 12R-30L Vehicular Tunnel.

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?qsp=CODE_RED and choose this and other topics about which you are interested.

Disadvantaged Business Enterprises (DBE): The goal of the MAC for the utilization of (DBE) on this project is 10%.

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

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of TKDA, the Minnesota Builders Exchange, Dodge Data and Analytics, and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from: TKDA; 444 Cedar Street, Suite 1500; St. Paul, MN, 55101; PH: (651) 292-4400; FX: (651) 292-0083. Make checks payable to: TKDA. Deposit per set (refundable): \$50.00. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on June 26, 2017, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

Non-State Public Bids, Contracts & Grants

Metropolitan Airports Commission (MAC)

Public Notice for Request for Bid to operate an On-Airport Rental Auto Concession

The Metropolitan Airports Commission (MAC) is requesting sealed bids proposals to operate and On-Airport Rental Auto Concession service at the Minneapolis/St. Paul International Airport – Wold Chamberlain Field, Hennepin County, Minnesota as set forth in the Request for Bid.

To obtain a copy of the Request for Bid, please go to the following website <http://www.metroairports.org/business/solicitations/> and look under Request for Bids. The RFB will be released on or about Monday, July 10, 2017. MAC contact for the RFB is Karen Racek at 612-467-0514 or karen.racek@mspmac.org. Questions regarding the RFB are due to MAC no later than 4:00 p.m. CST on August 5, 2017. Submission of Bid Proposal is due on or before **2:00 p.m. CST on Thursday, October 26, 2017.**



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.