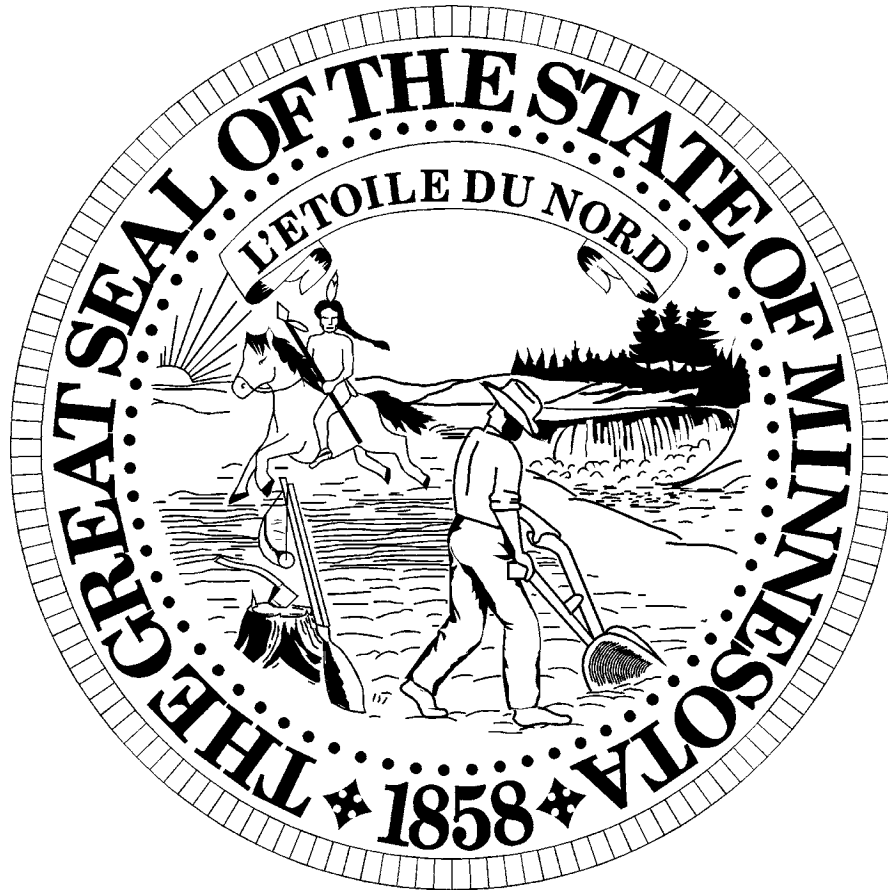


Minnesota State Register

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**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;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 30 November 2020
Volume 45, Number 22
Pages 511 - 550**

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- Withdrawn Rules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. 45 Issue Number	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)
#23	Monday 7 December	Noon Tuesday 1 December	Noon Thursday 26 November
#24	Monday 14 December	Noon Tuesday 8 December	Noon Thursday 3 December
#25	Monday 21 December	Noon Tuesday 15 December	Noon Thursday 10 December
#26	Monday 28 December	Noon Tuesday 22 December	Noon Thursday 17 December

PUBLISHING NOTICES: We need to receive your submission ELECTRONICALLY in Microsoft WORD format. Submit ONE COPY of your notice via e-mail to: sean.plemmons@state.mn.us. State agency submissions must include a "State Register Printing Order" form, and, with contracts, a "Contract Certification" form. Non-State Agencies should submit ELECTRONICALLY in Microsoft WORD, with a letter on your letterhead stationery requesting publication and date to be published. Costs are \$13.50 per tenth of a page (columns are seven inches wide). One typewritten, double-spaced page = 6/10s of a page in the State Register, or \$81. About 1.5 pages typed, double-spaced, on 8-1/2"x11" paper = one typeset page in the State Register. Contact editor with questions (651) 201-3204, or e-mail: sean.plemmons@state.mn.us.

SUBSCRIPTION SERVICES: Copies are available at Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155. Order by phone: Metro area: (651) 297-3000 Toll free (800) 657-3757. TTY relay service phone number: 711. NO REFUNDS. E-mail subscriptions are available by contacting (651) 201-3202. Send address changes to Minnesota's Bookstore, 660 Olive Street, St. Paul, Minnesota 55155.

SEE THE Minnesota State Register free at website: <http://www.mn.gov/admin/bookstore>

- Minnesota State Register: On-line subscription – \$180, includes links, index, special section "CONTRACTS & GRANTS," with Sidebar Table of Contents, Early View after 4:00 pm Friday (instead of waiting for early Monday), and it's sent to you via E-mail.
- Single issues are available for a limited time: Minnesota State Register \$5.00.
- "Affidavit of Publication" includes a notarized "Affidavit" and a copy of the issue: \$15.00.
- Research Services - will look up, photocopy, and fax or send copies from past issues at \$1.00 per page.

Governor: Tim Walz
(651) 201-3400

Lieutenant Governor:
Peggy Flanagan
(651) 201-3400

Commissioner:
Alice Roberts-Davis
(651) 201-2601

Facilities Management
Division: Christopher A.
Guevin
(651) 201-2350

Attorney General:
Keith Ellison (651) 296-3353

Auditor: Julie Blaha
(651) 296-2551

Secretary of State: Steve
Simon (651) 296-2803

Minnesota's Bookstore:
Justin Patrick (651) 201-3203

Editor: Sean Plemmons
(651) 201-3204
sean.plemmons@state.mn.us

Subscriptions Manager:
Loretta J. Diaz (651) 201-3202
loretta.diaz@state.mn.us

Copyright © 2020 Facilities Management Division, Department of Administration, State of Minnesota.

USPS Publication Number: 326-630 (ISSN: 0146-7751)

THE MINNESOTA STATE REGISTER IS PUBLISHED by Facilities Management Division, Department of Administration, State of Minnesota, pursuant to Minnesota Statutes § 14.46 and is available on-line at: <http://www.mn.gov/admin/bookstore>

Minnesota Legislative Information

Senate Public Information Office

(651) 296-0504
State Capitol, Room 231, St. Paul, MN 55155
<https://www.senate.mn/>

Minnesota State Court System

Court Information Office (651) 296-6043
MN Judicial Center, Rm. 135,
25 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
<http://www.mncourts.gov>

House Public Information Services

(651) 296-2146
State Office Building, Room 175
100 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
<https://www.house.leg.state.mn.us/hinfo/hinfo.asp>

Federal Register

Office of the Federal Register (202) 512-1530; or (888) 293-6498
U.S. Government Printing Office – Fax: (202) 512-1262
<https://www.federalregister.gov/>

Minnesota Rules: Amendments and Additions.....514

Proposed Rules

Minnesota Board of Executives for Long Term Services and Supports

Proposed Permanent Rules Governing Licensing Assisted Living Directors; DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number 4622; OAH Docket No. 21-9028-36708 515

Commissioner's Orders

Department of Natural Resources

Commissioner's Order #1 ML 2020: Amend Walleye Season and Walleye Limits to Make Adjustments to Manage Fisheries in the 1837 Ceded Territory (Mille Laes)..... 540

Official Notices

Minnesota State Arts Board

REQUEST FOR COMMENTS for Possible Amendments to Rules Governing the Procedures and Criteria Followed in the Distribution of Grants and Other Assistance in the Furtherance of the Arts in Minnesota, and Rules Governing Procedures and Requirements for Minnesota Regional Arts Councils Minnesota Rules, part 1900 541

Department of Labor & Industry (DLI)

Notice of Minimum Truck Rental Rates for State Funded Projects 542

Minnesota Pollution Control Agency (MPCA)

Public Notice of Intent to Issue a 401 Water Quality Certification for U.S. Army Corps of Engineers Nationwide Permits (NWP)..... 543

State Grants & Loans

Minnesota Amateur Sports Commission

Request for Proposals for 2020 James Metzen Mighty Ducks Ice Arena Grant Program..... 544

State Contracts

Department of Administration

Notice of Availability of Request for Proposal (RFP) for Designer Selection for: State Emergency Operations Center (SEOC) – (SDSB Project # 20-03) (RECS Project #07XX0001) 545

Minnesota State Colleges and Universities (Minnesota State)

Non-Construction Related Bid and Contracting Opportunities 546

Northland Community and Technical College

Notice of Request for an FM Digital Broadcast Transmitter..... 546

Department of Employment and Economic Development (DEED)

Vocational Rehabilitation Services

Request for Proposals for Work Based Learning Licensure Endorsement for Special Educators..... 546

Department of Public Safety

Driver and Vehicle Services Division

Notice of Request for Submissions for 2021 Ignition Interlock Device Program Certification Process 546

Minnesota Racing Commission

Notice of Contract Opportunity for Assistant Commission Veterinarian 547

Notice of Contract Opportunity for Harness Racing Judge 548

Notice of Contract Opportunity for Horse Racing Steward..... 548

Minnesota Department of Transportation (MnDOT)

Engineering Services Division

Notices Regarding Professional/Technical (P/T) Contracting..... 549

Non-State Public Bids, Contracts & Grants

Brown's Creek Watershed District

Request for Qualifications for Engineering Consulting Services for Calendar Years 2021-2023..... 549



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 #1-26 inclusive (issue #26 cumulative for issues #1-26); issues #27-52 inclusive (issue #52, cumulative for issues #27-52 or #53 in some years). A subject matter index is updated weekly and is available upon request from the editor. 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 45 - Minnesota Rules

(Rules Appearing in Vol. 44 Issues #27-53 are in Vol. 44, #53 - Monday 29 June 2020)

Volume 45, #22

Monday 6 July - Monday 30 November

Board of Assessors

1950.1020; .1030; .1035; .1040; .1050; .1060; .1080 (adopted)..... 91

Department of Education

3501.0820 (adopted)..... 449

3525.2810 (proposed)..... 483

Professional Educator Licensing and Standards Board

8705.0200; .0300; .1000; .1100; .1200; .2200; .2300; .2400 (proposed)..... 5

Board of Electricity

1315.0200 (adopted)..... 426

Board of Executives for Long Term Services and Supports

6400 (proposed)..... 355

6400 (proposed)..... 515

Department of Health

4717 (proposed)..... 423

Department of Human Services

9505.2220 (proposed)..... 487

Department of Labor and Industry

5205.0010 (adopted exempt)..... 39

1307.0090 (adopted)..... 301

5221.4020 (adopted exempt)..... 302

Department of Natural Resources

6230.0200; .0295; .0400; 6234.0600; .0900; .1400; .1600; .1700; .2000;

.2400; 6236.0700; 6240.1955 (expedited emergency)..... 34

6234.0300; 6237.0400; .0550 (expedited emergency)..... 153

6232.2550 (expedited emergency)..... 155

6230.0290; 6232.0200; .0300; .0400; .0800; .0900; .1000; .1300;

.1600; .1750; .1800; .1970; .1980; .2100; .2500; .2560;

.4700 (expedited emergency)..... 209

6290.0400 (adopted exempt)..... 280

Plumbing Board

4714 (proposed)..... 397

Board of Podiatric Medicine

6900.0010; .0160; .0210; .0300 (adopted repeal)..... 825

Racing Commission

7895.0050; .0100; .0110; .0125; .0275; .0300; .0350 (proposed).. 265

Proposed Rules

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

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

Rules to be Adopted Without a Hearing. Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.1414.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

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

Minnesota Board of Executives for Long Term Services and Supports Proposed Permanent Rules Governing Licensing Assisted Living Directors; DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number 4622; OAH Docket No. 21-9028-36708

**Proposed Amendments to and Additions of Rules Governing Licensure of Assisted Living Directors,
Minnesota Rules, chapter 6400.**

Amendments to:

Minn. R. 6400.5000 Scope

Minn. R. 6400.5100 Definitions

Additions of:

Minn. R. 6400.6950 Applicability

Minn. R. 6400.7000 Use of Title

Minn. R. 6400.7005 Licensure Requirements

Minn. R. 6400.7010 Applying for Licensure

Minn. R. 6400.7015 Core Course Requirements

Minn. R. 6400.7020 Minnesota Course Requirements

Proposed Rules

Minn. R. 6400.7025 Evidence of Course Completion
Minn. R. 6400.7030 Assisted Living Director in Residence; Field Experience
Minn. R. 6400.7040 Course Provider Review
Minn. R. 6400.7045 Endorsement
Minn. R. 6400.7050 Licensee Responsibilities
Minn. R. 6400.7055 Displaying Licenses
Minn. R. 6400.7060 Duplicate Licenses
Minn. R. 6400.7065 Renewing Licenses
Minn. R. 6400.7070 License Reinstatement
Minn. R. 6400.7075 Verification of Minnesota License
Minn. R. 6400.7080 Assisted Living Director in Residence Permits
Minn. R. 6400.7085 Shared Director
Minn. R. 6400.7090 Continuing Education Requirements
Minn. R. 6400.7091 Number of CE Credits for Activities
Minn. R. 6400.7092 Sponsoring Continuing Education
Minn. R. 6400.7095 Standards of Practice; Enforcement

Introduction. The Minnesota Board of Executives for Long Term Services and Supports (“Board”) 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 December 30, 2020 the Board will hold a public hearing via Webex, on February 23, 2021. An Administrative Law Judge will conduct the hearing starting at 9:30 a.m. on February 23, 2021.

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 December 30, 2020, and before February 23, 2021.

Board Contact Person. The Board contact person is:

Randy Snyder, Executive Director
Minnesota Board of Examiners for Nursing Home Administrators
2829 University Avenue SE, Suite 404
Minneapolis, Minnesota 55402
randy.snyder@state.mn.us
(651) 201-2731

Subject of Rules. The Board licenses and regulates nursing home administrators in the State of Minnesota. On May 22, 2019, Governor Walz signed into law Minnesota House File 90 (“H.F. 90”), which ultimately became Minn. Stat. §144A.20, subdivisions 1 and 4 and which requires the Board to license and regulate the practice of assisted living directors in Minnesota. The Board is amending its rules to provide a framework for licensing and regulating the practice of assisted living directors in Minnesota. The proposed rule changes fall into the following three categories: (1) technical amendments to existing definition and scope rules; (2) new rules modeled entirely on existing LNHA rules; and (3) new rules deviating from existing LNHA rules.

A copy of the proposed rules is published in the *State Register* and attached to this Notice as mailed.

Statutory Authority. Minnesota Statutes section 144A.20, .21, .23, .24, and 214.06 authorize the Board to adopt rules necessary to administer and enforce sections 144A.04 through 144A.28. Minnesota Statutes section 214.12, subdivision 1, authorizes all health-licensing boards to promulgate by rule continuing education requirements. Moreover, as noted above, Minnesota Statutes section 144A.20, subdivisions 1 and 4, passed during the 2019 legislative session, authorized the Board to license and regulate LALDs.

Public Comments and Requests for Hearing. Interested persons or groups may submit comments, information,

Proposed Rules

or requests for a hearing on these rules before 4:30 pm on December 30, 2020, to the Office of Administrative Hearings Rulemaking eComments website at: <https://minnesotaoah.granicusideas.com/discussions>

All comments must be in writing and be received on the OAH eComments website before the due date. Comment is encouraged. Comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. Comments may also include proposed changes. Any comments about the legality of the proposed rules must also be made during this comment period.

In addition to submitting comments, requests that the Board hold a hearing on the rules may also be submitted to the eComments website. The request for a public hearing must be in writing and be posted on the OAH eComments website before the due date. Requests for hearing need to include the name and address of the requestor and the proposed rule or rules at issue. 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. Please also state the reason for the request and any suggested changes 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 Board must give written notice of this to all persons who requested a hearing, explain the actions the Board took to affect the withdrawal, and ask for written comments on this action. If a public hearing is required, the Board 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 Board 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 Board 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.

Cancellation of Hearing. The Board will cancel the hearing scheduled for February 23, 2021, if the Board does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the Board will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person after the comment period ends to find out whether the hearing will be held.

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 on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Kimberly Middendorf is assigned to conduct the hearing. Judge Middendorf can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 361-7875, and fax (651) 539-0310.

Hearing Procedure. If the Board holds a hearing, all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Interested parties may present 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. Interested parties 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 Board and any interested person may respond in writing to any new information submitted. No one may submit new evidence during the five-day rebuttal period.

All post-hearing comments and responses must be submitted to the Administrative Law Judge no later than 4:30 p.m.

Proposed Rules

on the due date. The Office of Administrative Hearings strongly encourages all persons submitting comments and responses to do so using the eComments website: <https://minnesotaoah.granicusideas.com/discussions>. If using the eComments website is not possible, post-hearing comments may be submitted in person, via United States mail, or by facsimile addressed to Judge Middendorf at the address or facsimile number listed in the Notice of Hearing section above.

All comments or responses received will be available for review at the Board or on the Board's website at <https://mn.gov/boards/nursing-home/>. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Any questions about the procedure may be directed to the Administrative Law Judge.

Statement of Need and Reasonableness. The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the Board contact person and on the Board's website at <https://mn.gov/boards/nursing-home/>. Please contact the Board contact person to obtain copies at the cost of reproduction.

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

Adoption Procedure if No Hearing. If no hearing is requested or required, the Board 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. Interested persons may ask to be notified of the date the rules are submitted to the office. If an interested person would like to receive notice of this, to receive a copy of the adopted rules, or to register with the Board to receive notice of future rule proceedings, submit a request to the Board 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. Interested persons may ask, at the hearing or in writing to the Administrative Law Judge, to be notified of the date that the Administrative Law Judge's report will become available. Interested persons may also ask, at the hearing or in writing to the Board contact person, to be notified of the date that the Board adopts the rules and the rules are filed with the Secretary of State.

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

Date: November 3, 2020

Randy Snyder
Executive Director

6400.5000 SCOPE.

This chapter applies to:

A. individuals who:

[For text of subitems (1) and (2), see Minnesota Rules]

(3) are licensees of the board; and

(4) hold permits issued by the board to serve as acting administrators under *Minnesota Statutes*, section 144A.27; or to serve as assisted living directors in residence under part 6400.7080; and

(5) are applicants or prospective applicants for licensure as assisted living directors;

[For text of items B and C, see Minnesota Rules]

6400.5100 DEFINITIONS.

[For text of subparts 1 to 4, see Minnesota Rules]

Proposed Rules

Subp. 4a. **Assistant director.** “Assistant director” means an individual who reports to the assisted living director, assumes charge of the assisted living facility in the director’s absence, and has ongoing managerial and supervisory authority over both administrative and resident care functions, operations, and staff in an assisted living facility.

Subp. 4b. **Assisted living contract.** “Assisted living contract” has the meaning given in Minnesota Statutes, section 144G.08, subdivision 5.

Subp. 4c. **Assisted living director or director.** “Assisted living director” or “director” has the meaning given in Minnesota Statutes, section 144G.08, subdivision 6.

Subp. 4d. **Assisted living director in residence or ALDIR.** “Assisted living director in residence” or “ALDIR” means an individual, designated by the controlling individuals of the employing assisted living facility, who has been issued a permit by the board under part 6400.7080.

Subp. 4e. **Assisted living facility.** “Assisted living facility” has the meaning given in Minnesota Statutes, section 144G.08, subdivision 7.

Subp. 4f. **Assisted living facility with dementia care.** “Assisted living facility with dementia care” has the meaning given in Minnesota Statutes, section 144G.08, subdivision 8.

Subp. 4g. **Assisted living services.** “Assisted living services” has the meaning given in Minnesota Statutes, section 144G.08, subdivision 9.

[For text of subpart 5, see Minnesota Rules]

Subp. 6. **CE credit or continuing education credit.** “CE credit” or “continuing education credit” means a unit of measurement of continuing education activity.

[For text of subpart 7, see Minnesota Rules]

Subp. 7a. **Controlling individual.** “Controlling individual” has the meaning given in Minnesota Statutes, section 144G.08, subdivision 15.

Subp. 7b. **Delegation of authority policy.** “Delegation of authority policy” means the individual assisted living facility policy that identifies the director and chain of command in the event of the absence of the director, ensuring that, at all times, an individual on site has been designated as the responsible individual for long-term services and supports.

[For text of subpart 8, see Minnesota Rules]

Subp. 9. **Domains of practice.** “Domains of practice” means the tasks performed by ~~nursing home administrators~~ long-term care administrators and the knowledge, skills, and abilities identified as necessary to perform those tasks by NAB in its job analysis of ~~nursing home administrator~~ long-term care administrator. The NAB domains of practice for ~~nursing home administrator~~ long-term care administrator are found in the Final Report of the Job Analysis of the Practice of ~~Nursing Home~~ Long-term Care Administrators prepared for the National Association of Boards of Examiners for Long-Term Care Administrators. This document is incorporated by reference. It is available at ~~the State Law Library~~ and on the board’s website and is subject to change every five years.

Subp. 9a. [See repealer.]

Subp. 9b. **Higher education.** “Higher education” means education at a public or private university, college, community college, or technical college.

Subp. 10. **License.** “License” means a written document issued by the board to indicate that the bearer has been found by the board to meet all requirements for practice as a licensed nursing home administrator or licensed assisted living director in Minnesota. It includes an original license issued for meeting the requirements of part 6400.6000 or 6400.7005,

Proposed Rules

a renewal license issued for meeting the requirements of part 6400.6700 or 6400.7065, and a reinstated license issued under part 6400.6750 or 6400.7070. It does not include a permit to serve as an acting administrator or director in residence.

Subp. 11. **Licensee.** “Licensee” means an individual who holds a valid license to practice as a nursing home administrator or licensed assisted living director granted by the board under this chapter.

Subp. 11a. **Long-term care administrator.** “Long-term care administrator” means an individual who manages the daily operations and staff of long-term care communities. A long-term care administrator must oversee business management, health care services, and personal supports for the communities they manage. All licensed health services executives, licensed nursing home administrators, and licensed assisted living directors are long-term care administrators.

Subp. 11b. **Manager.** “Manager” has the meaning given in Minnesota Statutes, section 144G.08, subdivision 35.

Subp. 11c. **Managerial official.** “Managerial official” has the meaning given in Minnesota Statutes, section 144G.08, subdivision 36.

Subp. 11d. **Mentor.** “Mentor” means the licensed assisted living director or licensed health services executive directing the field experience of the assisted living director in residence.

[For text of subparts 12 to 14, see Minnesota Rules]

Subp. 14a. **Ombudsman.** “Ombudsman” has the meaning given in Minnesota Statutes, section 144G.08, subdivision 46.

Subp. 15. **Permit.** “Permit” means the acting license referred to in Minnesota Statutes, section 144A.27, which, for purposes of this chapter, is a temporary authorization issued by the board to an individual who meets the qualifications of part 6400.6770 or 6400.7080.

[For text of subpart 16, see Minnesota Rules]

Subp. 16a. **Professional degree.** “Professional degree” means a degree that prepares a person to work in a particular profession often meeting the academic requirements for licensure or accreditation.

Subp. 16b. **Professional practice analysis.** “Professional practice analysis” means the analysis used to identify the domains of practice, tasks performed, knowledge needed, and skills used by individuals responsible for leadership in organizations that provide long-term services and supports.

[For text of subpart 17, see Minnesota Rules]

Subp. 18. **Resident.**

A. “Resident,” when used in parts 6400.5200 to 6400.6900, means a person living in a nursing facility.

B. “Resident,” when used in parts 6400.7000 to 6400.7095, means a person living in an assisted living facility who has executed an assisted living contract.

6400.6950 APPLICABILITY.

Subpart 1. **Assisted living directors.** Parts 6400.7000 to 6400.7095 apply to assisted living directors.

Subp. 2. **Health services executives.** Health services executives licensed under this chapter must meet the responsibilities in part 6400.7050 and are subject to the standards of practice in part 6400.7095.

6400.7000 USE OF TITLE.

Only an individual who is qualified as a licensed assisted living director and who holds a valid license under this chapter for the current licensure period may use the title “Licensed Assisted Living Director” and the abbreviation “L.A.L.D.” after the individual’s name.

6400.7005 LICENSURE REQUIREMENTS.

Subpart 1. **License; assisted living director.** The board shall issue an individual a license to practice as an assisted living director in Minnesota upon determining that the individual:

- A. has filed a completed application for licensure under part 6400.7010 before or within six months of hire;
- B. meets the requirements specified in Minnesota Statutes, section 144A.20;
- C. has successfully completed a criminal background check under Minnesota Statutes, section 214.075;
- D. has not had an application rejected by the board under part 6400.7010;
- E. has paid the required fees;
- F. meets one of the following education and work experience requirements:

(1) a high school diploma or equivalent plus two years of work experience in the continuum of long-term care, including one year in a management or supervisory position;

(2) an associate's degree plus one year of work experience in the continuum of long-term care, including six months in a management or supervisory position; or

(3) a bachelor's degree plus six months of work experience in a management or supervisory experience in the continuum of long-term care;

G. has read parts 6400.7000 to 6400.7095 and the Department of Health rules relating to the licensure of assisted living facilities; and

H. meets one of the following subitems for education, experience, and training:

(1) has successfully:

(a) completed a core course of study covering the topics listed in part 6400.7015;

(b) completed a Minnesota-based course of study covering the topics listed in part 6400.7020;

(c) completed a director in training field experience according to part 6400.7030;

(d) passed the NAB core knowledge and line of service examinations for assisted living directors to test knowledge of subjects pertinent to the domains of practice of assisted living as identified in the NAB job analysis for assisted living directors; and

(e) passed the state examination approved by the board to test the knowledge of Minnesota laws governing assisted living facility operations in Minnesota;

(2) meets all requirements under part 6400.7045, subpart 1 or 2, for qualification by endorsement; or

(3) applies for licensure by July 1, 2021, attests that the applicant has read the laws governing assisted living facilities, and:

(a) has training that relates to the domains of practice for assisted living as identified in the NAB job analysis for assisted living directors and has a higher education degree in nursing, social services, or mental health, or another

Proposed Rules

professional degree;

(b) has at least three years of supervisory, management, or operational experience and higher education training related to the domains of practice for assisted living as identified in the NAB job analysis for assisted living directors;

(c) has completed at least 1,000 hours of an executive-in-training program provided by an assisted living director licensed under this subitem on or before July 1, 2021; or

(d) has managed a housing with services establishment operating under assisted living title protection for at least three years.

Subp. 2. Continuing education requirements for select licensees. All individuals licensed under subpart 1, item H, subitem (3), must complete, within the first year of licensure, a minimum of seven hours of continuing education in topics related to assisted living facilities.

6400.7010 APPLYING FOR LICENSURE.

Subpart 1. Application contents. An applicant for licensure must apply electronically through the board's online services. The contents must include:

A. the applicant's name;

B. the applicant's e-mail, home, and work addresses;

C. the applicant's telephone numbers;

D. the applicant's Social Security number;

E. the applicant's education and degree information;

F. the applicant's employment and practice history;

G. the applicant's health care professional licensure and disciplinary history in Minnesota and other jurisdictions;

H. the applicant's evidence of successful completion of a criminal background check under Minnesota Statutes, section 214.075;

I. the applicant's criminal convictions, if any;

J. information that may impact the applicant's ability to practice with reasonable skill and safety under Minnesota Statutes, section 214.31, by reason of illness, use of alcohol, drugs, chemicals, or any other materials, or as a result of mental, physical, or psychological condition; and

K. other issues that may reflect the applicant's ability to practice.

Subp. 2. Applicant responsibility. An applicant must provide the board with all information, documents, and fees necessary to meet licensure requirements.

Subp. 3. Application expiration. Applications expire 18 months after the date that the application form is filed with the board. If the applicant does not fulfill all licensure requirements within the 18-month application period, the applicant must resubmit the application and another application fee to continue to seek licensure.

Subp. 4. Examination attempts and score expiration. Examination scores expire two years after the date that the

Proposed Rules

examination was taken if the applicant has not become fully licensed within that two years.

Subp. 5. Grounds for rejection. The board shall reject an applicant who does not meet the requirements of part 6400.7005 within the 18-month application period. The board shall reject an applicant who has committed acts in this or any other jurisdiction that would be grounds for discipline under part 6400.7095, subpart 1, taking into account the considerations in part 6400.7095, subpart 3.

Subp. 6. Notice of rejection. If an application has been rejected by the board, the board must provide written notice to the applicant of the disqualification, the reasons for the disqualification, and the right to a hearing under Minnesota Statutes, chapter 14.

COURSE REQUIREMENTS

6400.7015 CORE COURSE REQUIREMENTS.

Subpart 1. Basic requirements of course of study. An applicant must complete a course of study with a minimum of 80 hours in core subjects necessary to perform the duties of an assisted living director and including the requirements of this part.

Subp. 2. Customer care, services, and supports. An applicant must complete a course in customer care, services, and supports covering:

- A. quality systems, including customer satisfaction, problem identification, data collection, root cause analysis, and quality management programs;
- B. hospitality, including models for customer engagement and satisfaction;
- C. arrangements with physicians, hospice, home care, podiatrists, audiologists, and other health care and community service providers;
- D. how to address complaints and resident and family councils; and
- E. other issues identified by the board according to part 6400.7090, subpart 7.

Subp. 3. Human resources. An applicant must complete a course in human resources covering:

- A. recruitment practices;
- B. screening practices;
- C. hiring principles;
- D. employee training;
- E. employee retention and satisfaction, including performance management;
- F. policies and procedures;
- G. compliance requirements; and
- H. other issues identified by the board according to part 6400.7090, subpart 7.

Subp. 4. Finance. An applicant must complete a course in finance covering:

- A. financial management, including invoicing and managing revenue cycle, operating and capital budgeting.

Proposed Rules

budgeting and rate setting, accounting, quality and performance assessments related to financial and business operations, and Medicaid and other payment sources; and

B. other issues identified by the board according to part 6400.7090, subpart 7.

Subp. 5. **Environment.** An applicant must complete a course in assisted living facilities environment covering:

A. risk management, including risk identification and emergency plans for both shelter in place and evacuation;

B. culinary services, including diets and meals, safety and sanitation;

C. plant operations, including preventative maintenance, comfort and security issues, infection control, environmental design, assistive technology, and compliance with the Occupational Safety and Health Administration (OSHA) and the Americans with Disabilities Act;

D. current regulatory requirements on the physical plant;

E. grounds and contracts management; and

F. other issues identified by the board according to part 6400.7090, subpart 7.

Subp. 6. **Management and leadership.** An applicant must complete a course in management and leadership covering:

A. leadership styles and theories;

B. confidentiality under state and federal law, including the Health Insurance Portability and Accountability Act (HIPAA);

C. marketing, including community connections and legal marketing practices;

D. management practices, including team building;

E. culturally sensitive workplaces, services, and practices;

F. problem-solving and ethical decision-making; and

G. other issues identified by the board according to part 6400.7090, subpart 7.

6400.7020 MINNESOTA COURSE REQUIREMENTS.

An applicant must complete a course of study with a minimum of 40 hours in subjects necessary to perform the duties of an assisted living director in Minnesota, including:

A. person-centered care practices;

B. vulnerable adult protection under Minnesota Statutes, chapter 626, including all reporting requirements;

C. Minnesota laws and rules governing assisted living, including survey compliance and preparedness;

D. landlord-tenant law, including fair housing and consumer transparency in collateral;

E. role of the state ombudsman, including coordination and collaboration roles of governmental authorities, and resident rights;

Proposed Rules

F. elder care rights, including voice of the family, learning objectives, and addressing complaints;

G. practice acts for the Minnesota health-related licensing boards, as defined in Minnesota Statutes, section 214.01, subdivision 2;

H. client and family relationships;

I. health and wellness topics, including diets, nutrition, and hydration; basic concepts in gerontology and geriatrics; common conditions and diagnoses in an assisted living setting; and medication management and preventing diversion; and

J. other issues identified by the board according to part 6400.7090, subpart 7.

6400.7025 EVIDENCE OF COURSE COMPLETION.

Subpart 1. **Types of evidence.** Evidence to verify satisfactory completion of requirements in part 6400.7005 must consist of documentation or attestation of the program director designated in part 6400.7040, subpart 2, showing completion of a course of study approved by the board or NAB including the domains of practice identified in NAB's job analysis for assisted living directors and the topics listed in parts 6400.7015 and 6400.7020. Attestations of course completion by the course provider must be completed through online services.

Subp. 2. **Supplementing evidence older than seven years.** Evidence presented under subpart 1 for completion of academic programs or academic courses taken more than seven years prior to the submission of information to the board must be supplemented by either:

A. evidence that the applicant has been employed within the last seven years in a capacity that required using the knowledge gained in the core course requirements; or

B. evidence that the applicant has completed continuing education within the past two years to renew and update knowledge gained in any academic course taken more than seven years prior to submission.

Subp. 3. **No additional fees required.** No fees in excess of fees associated with the standard application process may be charged to applicants for review of continuing education courses submitted as evidence to meet course requirements.

6400.7030 ASSISTED LIVING DIRECTOR IN RESIDENCE; FIELD EXPERIENCE.

Subpart 1. **Field experience requirements and content.** An applicant for licensure as an assisted living director must complete a field experience. The field experience must provide practical learning experiences to complement the ALDIR's ongoing core training and work or volunteer experience in assisted living, long-term care, general health care, and management. The field experience must follow the NAB Administrator in Training guidelines or a similar training program preapproved by the board. The NAB Administrator in Training guidelines are incorporated by reference. The guidelines are available on the board's website and are subject to change every five years. The field experience must be conducted within an assisted living facility or facilities and require the ALDIR's residency to average 20 hours per week. Upon mutual agreement of the ALDIR and the director, an assisted living facility may serve as the field experience site for a student who is employed by the assisted living facility, provided that the ALDIR is relieved of all previous duties during the time of the field experience.

Subp. 2. **Mentor.**

A. The field experience must be completed under the direction of a mentor. A mentor must be a currently licensed assisted living director or a currently licensed health services executive. A mentor must be licensed and practicing for at least two years or be licensed on or before July 1, 2021.

B. A mentor must:

Proposed Rules

- (1) ensure that the ALDIR complies with the domains of practice and NAB administrator in training manual;
- (2) ensure that the ALDIR has experience with professional practice analysis; and
- (3) not supervise an ALDIR who is a related individual or who resides in the immediate household of the mentor.

Subp. 3. **Duration.** Before beginning the field experience, the ALDIR must complete a self-assessment prescribed by the board that identifies topics where education, experience, and training are needed. The ALDIR must share the results of the self-assessment with the mentor and allow the mentor to provide input into the self-assessment. The mentor must determine the duration of the field experience, with 480 hours recommended but a minimum of 320 hours required and a maximum of 1,000 hours allowed, and the focus of the field experience based on the topics identified in the self-assessment.

Subp. 4. **Contents and topics for field experience.** Regardless of the areas identified in the self-assessment, the field experience must include, but need not be limited to, the following:

- A. exposure to all areas of operations within the assisted living facility to provide the ALDIR with knowledge of all functions of the assisted living facility;
- B. review of the findings and results of regulatory inspections and responses of the assisted living facility;
- C. observation of the integrative and administrative role of the director through attendance with the director at meetings with staff, families, governing bodies, community groups, resident councils, and other groups;
- D. observation of the relationships between the assisted living facility and community and other health care providers and organizations operating in the continuum of health care;
- E. participation in a quality assurance and performance improvement project; and
- F. completion of a major project, study, or research effort designed to improve operations at the assisted living facility or provide information upon which a major decision facing the assisted living facility and its management can be made.

Subp. 5. **Completion of self-assessment.** At the end of each field experience and as part of the licensure process, the ALDIR and the mentor must provide evidence to the board of successful recompletion of the board-approved self-assessment and remediation of any areas identified as deficient.

6400.7040 COURSE PROVIDER REVIEW.

Subpart 1. **Program review and approval.** Upon request of a course provider, the board shall review course content offered by the course provider, and upon finding conformity between the proposed program and the requirements of this chapter, shall approve the course provider as offering courses which meet all of the course requirements for licensure.

Subp. 2. **Requesting course review.** When submitting a program of study offered by a course provider to meet the course requirements, the course provider shall provide the following information in an application for the board's review:

- A. designation of a program director to coordinate the course provider's program or course offerings with the board. If the program director believes that courses from students transferring into the course provider's program or courses from students enrolled in the program who cannot arrange class schedules to permit timely completion of the board-approved courses are equivalent in content to those accepted by the board to fulfill the course requirements in parts 6400.7015 and 6400.7020, the program director must submit the students' equivalent courses to the board. The board must determine that the courses are equivalent in content to fulfill the course requirements in parts 6400.7015 and

Proposed Rules

6400.7020;

B. evidence of the establishment and use of an advisory group of assisted living directors and others in the long-term care industry, including the names and experience of group members and the frequency of meetings, to review course requirements and practicum activities;

C. a published marketing description of the course of study offered or recommended by the provider for those interested in licensure as an assisted living director in Minnesota. Nothing in this chapter restricts course providers from designing or implementing curricula, or establishing requirements for courses, majors, or other designations offered by the institution, more comprehensive than required under this chapter for licensure;

D. a topic-by-topic review of how each course offered by the course provider meets the requirements in parts 6400.7015 and 6400.7020;

E. an outline of each course offered by the course provider to fulfill one or more of the licensure course requirements, listing texts and materials used in the course; and

F. identification of one or more course providers to:

(1) coordinate director in training field experiences for students; and

(2) provide instruction to any director becoming a mentor for the first time regarding objectives for the director in training or evidence of use of NAB's mentor training modules.

Subp. 3. Review and approval process. Upon receipt of an application package for approval of a course provider's program to meet board course requirements, the board shall acknowledge receipt of the request and identify any missing requirements to the program director. Upon receipt of all required information, the board shall review all materials presented and may request an appearance by one or more representatives of the program at a meeting to review all material for conformance to requirements. Board members shall base their decision to approve or reject the course provider's program on whether or not the application materials presented provide assurance that students completing the program will cover the course topics outlined in parts 6400.7015 and 6400.7020 with sufficient depth to enable the board to infer student attainment of the knowledge, skills, and abilities to begin work as an assisted living director. If the application package and discussion with program officials fail to show compliance with parts 6400.7015 and 6400.7020 or to provide sufficient evidence to satisfy the board members that they can infer beginning-level competency among students completing the proposed course, the board shall notify the program director in writing of the deficiencies the course provider must remedy. Once all deficiencies are satisfactorily remedied, the board shall grant approval to the course provider in writing and include reference to the course provider's offerings in its correspondence with students interested in learning where courses approved by the board to meet licensure requirements are available. If the deficiencies are not corrected, the board shall deny approval for the course provider's program by written notice to the program director.

Subp. 4. Annual review. Annually on or before September 1, the program director of a course provider with an approved program or courses shall file with the board on forms prescribed by the board for that purpose a report indicating:

A. any changes in any of the information presented to satisfy the requirements outlined in this part since the initial application or since the updated report of the preceding year; and

B. to the extent available, a schedule of when throughout the year the approved courses will be offered by the course provider or the link to the electronic course website.

Subp. 5. Five-year course provider review.

A. Every fifth year following the board's initial approval of a course provider's program or courses, the program director shall provide a complete review of the course provider's program by submitting to the board by September 1 of

Proposed Rules

the fifth year a review application package in the same format and incorporating the same information as required in subpart 2 for a new program approval application. When no change has occurred since the initial application, the program director may submit a copy of the initially submitted information with an updated date and attestation that the information is current.

B. The board shall review the five-year program review package submitted by the course provider and approve or deny continued board approval for the program as provided in subpart 3. When the board finds it necessary to deny continued approval to a program or to specific courses, the board shall provide information to the program director about ways in which students currently enrolled in the program may obtain supplementary or alternative courses to complete the requirements for licensure in view of the revocation of approval for courses offered by the course provider. The program director shall provide the information to all students enrolled in the previously approved program or courses and shall work with the students to provide a smooth transition to alternative course providers offering approved courses.

C. In addition to the five-year program review, if the board receives information that the success rates fall below the national average for candidates from the program who, during the annual review period, wrote for the first time the national examination for assisted living directors developed by NAB, the board must take one of the actions described in subitems (1) to (3):

(1) if success rates are below the national average for one period, the board shall require the program director to identify factors that potentially affect the low success rate of the licensure examination. The director shall submit a plan of corrective action by a specified date. The plan of action must be on a board-supplied form and include the signature of the program director and another course provider representative. If during the following year the success rate is above the national average, no action by the board is required;

(2) if the success rates are below the national average for two consecutive periods, the board shall notify the program director of a survey to identify additional factors affecting the low success rate and review progress on the plan for corrective action submitted the previous year. The survey must include the director, presenters, students, and a course presenter representative. The program director shall submit a revised plan of corrective action by a specified date. The plan of corrective action must be on a board-supplied form and include the signatures of the program director and course provider representative. If during the following year the success rate is above the national average, no action is required by the board; or

(3) if success rates are below the normal average for three consecutive periods, the board shall require the program director and another course provider representative to meet with a committee of board members and board staff for a survey for compliance with all applicable rules and for the implementation of the plan for corrective action submitted the previous year. Upon completion of the survey, the board shall take action according to subpart 3.

LICENSES AND PERMITS

6400.7045 ENDORSEMENT.

Subpart 1. **License; assisted living director.** The board shall issue an assisted living director license to an individual who has been issued and currently holds a license as an assisted living director in another jurisdiction if:

A. the other jurisdiction maintains requirements for assisted living director licensure that are equivalent to those required under part 6400.7005 or the applicant is currently licensed as an assisted living director and provides the board evidence of having successfully completed a professional program in assisted living administration endorsed by NAB or approved by the board;

B. the applicant has successfully completed a course covering the course requirements in part 6400.7020;

C. the applicant has passed the Minnesota state examination within the immediate past two years;

D. the applicant is in good standing as an assisted living director in each jurisdiction from which the applicant has ever received an assisted living director license; and

Proposed Rules

E. the applicant has made application for licensure under part 6400.7010 and has paid the applicable fees.

Subp. 2. **License; nursing home administrator.** The board shall issue an assisted living director license to an individual who has been issued and currently holds a license as a nursing home administrator in Minnesota or another jurisdiction if the individual:

A. provides the board evidence of having successfully completed a professional program in assisted living administration endorsed by NAB or approved by the board;

B. has successfully completed a course covering the Minnesota course requirements in part 6400.7020, unless the applicant graduated from an educational institution approved by the board;

C. has passed the Minnesota state examination within the immediate past two years;

D. is in good standing as a nursing home administrator in each jurisdiction from which the applicant has ever received a nursing home administrator license; and

E. has applied for licensure under part 6400.7010 and paid the applicable fees.

6400.7050 LICENSEE RESPONSIBILITIES.

Each licensee shall:

A. comply with the laws of Minnesota and the rules of the board and other Minnesota state agencies regarding licensure as an assisted living director and operation of an assisted living facility in Minnesota;

B. provide notice to the board within five working days of any change in e-mail address, mailing address, or telephone number pursuant to Minnesota Statutes, section 13.41, subdivision 2, paragraph (b);

C. provide notice to the board within five working days of any change in employment as an assisted living director for an assisted living facility;

D. notify the board within five working days of any formal disciplinary action or charge against any license the licensee holds as an assisted living director, health services executive, or other health care professional in Minnesota or any other jurisdiction;

E. cooperate with the board by providing data, reports, or information requested by the board that is relevant to the board's licensure and disciplinary authority and complying with requests to attend conferences, meetings, or hearings scheduled by the board concerning license renewal or complaint investigations and discipline;

F. provide, when requested, a defined delegation of authority, in the case of director absences, at each assisted living facility where the licensed assisted living director serves as director; and

G. be responsible for the general administration and management of the assisted living facility and oversee the day-to-day operation of the assisted living facility. This includes responsibility for:

(1) ensuring that services and support are provided to residents in a manner that protects their health, safety, and well-being and is consistent with residents' rights, including the right to choose to refuse services;

(2) maintaining compliance with applicable laws and regulations;

(3) developing and implementing all policies, procedures, and services required in Minnesota Statutes, chapter 144G;

Proposed Rules

- (4) ensuring staff and volunteers comply with residents' rights;
- (5) maintaining buildings and grounds;
- (6) recruiting, hiring, training, and supervising staff; and
- (7) ensuring the development, implementation, and monitoring of an individualized, person-centered plan of care for each resident, regardless of the internal or contracted service model.

6400.7055 DISPLAYING LICENSES.

A licensee actively practicing shall display the board-issued license, not a photocopy, in a conspicuous place in the assisted living facility that the licensee directs, that is visible to residents and visitors.

6400.7060 DUPLICATE LICENSES.

Upon receipt of a notarized statement from a licensee that the licensee's license has been lost, mutilated, or destroyed, or that the licensee has had a name change, the board shall issue a duplicate license. A licensee may also apply for a duplicate license to display at each assisted living facility where the licensee serves as the assisted living director under this chapter. Licensees obtaining duplicate licenses are subject to the applicable fee.

6400.7065 RENEWING LICENSES.

Subpart 1. **Forms; time for renewal.** Every individual who holds a valid license issued by the board shall annually apply to the board on or before October 1 for renewal of the individual's license and shall report any information pertinent to continued licensure requested by the board. The applicant shall submit evidence satisfactory to the board and subject to audit under part 6400.7090, subpart 3, that during the annual period immediately preceding the renewal application the licensee has complied with the rules of the board and completed continuing education requirements for license renewal.

Subp. 2. **Fees.** Upon making an application for license renewal, the licensee shall pay the annual fee. If submitting CE credits which include clock hours for workshops, seminars, institutes, or home study courses which have not been preapproved by the board, the licensee shall also pay a fee for review of clock hours based upon the total number of non-preapproved clock hours being submitted for CE credit to meet renewal requirements. If the application for renewal has not been received by October 31 of each year, the license shall lapse and the holder of a lapsed license shall be subject to the reinstatement procedure and late renewal fees.

Subp. 3. **Exemption from renewal.** Pursuant to Minnesota Statutes, section 326.56, a licensee who is in active service, as defined in Minnesota Statutes, section 190.05, for the armed forces of the United States or is employed outside of the United States in employment that is essential to the prosecution of any war or the national defense, according to Minnesota Statutes, section 326.56, and whose license was in effect at the time of entry into the armed forces or engagement in employment outside the United States, is not obligated to renew licensure. The board must be notified in writing by the licensee regarding the qualifications for this exemption. The exemption ceases six months after discharge from active service or termination of the aforementioned employment. A license renewal notice shall be sent to the licensee at the time that a license renewal notice would normally be sent to the licensee. The licensee may be requested to reconfirm exempt status. If the licensee no longer qualifies for the exemption, the requirements for license renewal must be met.

6400.7070 LICENSE REINSTATEMENT.

An assisted living director previously licensed in this state whose license has lapsed may apply under items A to C for reinstatement of a license within five years of the date the individual was last licensed. If an individual's license has been revoked or if the individual has not been licensed for five years or more, the license cannot be reinstated but the former licensee may apply for relicensure under the requirements in part 6400.7010.

Proposed Rules

A. If a license has lapsed in Minnesota for less than two years prior to the date of the application for reinstatement, the board must reinstate the license if the former licensee has not had disciplinary action against a health care professional license in Minnesota or another jurisdiction during the time that the Minnesota license was lapsed and the former licensee:

- (1) files with the board a completed application for reinstatement;
- (2) provides evidence of having completed the continuing education requirements under part 6400.7090, subpart 1, for each of the years the license has lapsed; and
- (3) pays the license renewal and late fees for each of the years the license has lapsed.

B. If a license has been lapsed in Minnesota for more than two years but less than five years prior to the date of the application for reinstatement and the former licensee has been continuously licensed as an assisted living director or health services executive in one or more other jurisdictions since the date the license lapsed in Minnesota, the board must reinstate the license if the former licensee has not had disciplinary action against a health care professional license in Minnesota or another jurisdiction during the time the Minnesota license was lapsed and the former licensee:

- (1) files with the board a completed application for reinstatement;
- (2) provides evidence of having completed the continuing education requirements under part 6400.7090, subpart 1, for each of the years the license has lapsed;
- (3) pays the license renewal and late fees for each of the years the license has lapsed; and
- (4) successfully completes the state examination.

C. If a license has been lapsed in Minnesota for more than two years but less than five years prior to the date of the application for reinstatement and the former licensee has not been continuously licensed in one or more jurisdictions since the date the license lapsed in Minnesota, the board must reinstate the license if the former licensee has not had disciplinary action against a health care professional license in Minnesota or another jurisdiction during the time that the Minnesota license was lapsed and the former licensee:

- (1) files with the board a completed application for reinstatement;
- (2) provides evidence of having completed the continuing education requirements under part 6400.7090, subpart 1, for each of the years the license has lapsed;
- (3) pays the license renewal and late fees for each of the years the license has lapsed;
- (4) successfully completes the state examination; and
- (5) successfully completes the NAB core knowledge and line of service examinations.

6400.7075 VERIFICATION OF MINNESOTA LICENSE.

Upon request and payment of a fee under this chapter by the licensee, the board shall issue a certified statement of the licensee's licensure status and examination scores to another jurisdiction.

6400.7080 ASSISTED LIVING DIRECTOR IN RESIDENCE PERMITS.

Subpart 1. **Board to issue permits.** When the controlling individuals of an assisted living facility designate an ALDIR under this part, the designee must secure a permit within 30 days of the designation. To secure a permit, the ALDIR

Proposed Rules

must designate on the permit application the person who will serve as a mentor during the director in residence field experience. The board shall issue a permit to serve an assisted living facility as an assisted living director in residence for up to one year. A permit to serve as an ALDIR is not renewable beyond the one year for which it was issued.

Subp. 2. **Qualifications.** An applicant for a permit to serve an assisted living facility as an ALDIR must furnish satisfactory evidence that the applicant:

A. has graduated from high school or holds a general education development (GED) certificate of equivalent competency;

B. has experience in the management of an assisted living facility or related facility or program or is enrolled with a course program approved by the board within six months of designation;

C. is in good standing in each jurisdiction from which the applicant has ever received a health care license;

D. has successfully completed a criminal background check under Minnesota Statutes, section 214.075; and

E. has established a mentor relationship, including providing information about the mode and frequency of communication between the mentor and the assisted living director in residence.

Subp. 3. **Responsibilities.** The assisted living director in residence must meet the licensee responsibilities set forth in part 6400.7050.

6400.7085 SHARED DIRECTOR.

A. With approval of the board, an assisted living facility may share the services of a licensed assisted living director or a permitted assisted living director in residence. The director or director in residence must maintain an on-site presence to administer, manage, and supervise each assisted living facility and meet the domains of practice according to the requirements of this chapter.

B. Within 15 days after assuming the position, the shared director or director in residence must submit an application to serve as a shared director, on forms provided by the board. All applications for a shared director arrangement must be signed by a legal representative of the facility, such as the assisted living facility's board chair or owner, or by a controlling individual.

C. The board shall consider the following criteria to determine whether to approve the shared arrangement:

(1) education and experience of the director or assisted living director in residence;

(2) geographic location and distance between assisted living facilities;

(3) whether the assisted living facilities share common management or common ownership;

(4) external or regional administrative support and clinical support;

(5) number of assisted living facilities to be shared;

(6) services provided at each assisted living facility;

(7) number of residents at each assisted living facility;

(8) licensed staffing at each assisted living facility;

(9) proposed duration of the shared director arrangement;

Proposed Rules

- (10) compliance and complaint history;
- (11) written delegation of authority policy;
- (12) communication plan for residents, families, and staff; and
- (13) acknowledgment of ongoing satisfaction of resident contracts at each assisted living facility.

D. If the proposed shared assisted living facilities are five or fewer in number, are all within a 60-mile radius and have common management, and the assisted living facilities' licenses and the license or permit of the proposed director are in good standing, the board shall administratively approve the shared assisted living facility arrangement.

E. The board shall review all shared assisted living facility arrangements approved or denied administrative approval under item D at the board's next regularly scheduled board meeting following the approval or denial. The board must determine, according to the criteria in item C, whether to ratify the administrative approval or approve the shared arrangement previously denied administrative approval.

F. If the board approves the request to serve as a shared director, the licensee or permit holder must:

- (1) establish procedures and delegate authority for on-site operations in the director's or assisted living director in residence's absence;
- (2) be available to staff at each assisted living facility that the licensee or permit holder directs;
- (3) post at each assisted living facility a board-issued license or permit in a conspicuous place within the assisted living facility;
- (4) post at each assisted living facility the procedure to contact the person in charge on the premises in the absence of the director or assisted living director in residence; and
- (5) make communication plans available to residents, families, and staff at each assisted living facility the licensee or permit holder directs.

G. If the board does not approve the request to serve as a shared director, the board shall provide the director written notice of the board's decision and a remediation plan.

CONTINUING EDUCATION

6400.7090 CONTINUING EDUCATION REQUIREMENTS.

Subpart 1. **Renewal requirements.** At the time of license renewal, each licensee shall provide evidence to the board that the licensee has completed in the preceding two years 30 continuing education credits of continuing education activities as specified in this part and Minnesota Statutes, section 144A.20, subdivision 4, paragraph (c). Licensees in their first year of licensure shall have the number of CE credits required for license renewal prorated for the number of months they were licensed during the preceding year. For purposes of obtaining and presenting CE credits, a year runs from September 1 to August 31.

Subp. 2. **Evidence of continuing education requirement completion.** Licensees must maintain proof as described in part 6400.7091 of having completed the number of CE credits claimed at the time of renewal and shall, upon request of the board, make that proof available for audit to verify completion of the number and validity of credits claimed. Documentation to prove completion of CE credits must be maintained by each licensee for four years from the last day of the licensure year in which the credits were earned.

Proposed Rules

Subp. 3. **Audit.** The board shall annually select on a random basis at least five percent of the licensees applying for renewal to have their claims of CE credits audited for compliance with board requirements. Nothing in this subpart prevents the board from requiring any individual licensee from providing evidence to the board of having completed the CE credits required for license renewal.

Subp. 4. **Acceptable content for continuing education activities.** Unless otherwise specified in part 6400.7091, the content of continuing education activities must relate to one or more of the following:

- A. administration of services for persons needing long-term services and supports;
- B. current issues and trends in long-term services and supports and assisted living licensure;
- C. the relationship of long-term services and supports to other aspects of the health care continuum; and

D. responsibilities, tasks, knowledge, skills, and abilities required to perform assisted living director functions as outlined in the NAB domains of practice.

Subp. 5. **Credits to maintain another professional license.** Continuing education required to maintain another professional license, such as a nursing home administrator license, nursing license, social worker license, mental health professional license, or real estate license, may be used to satisfy the requirements of subpart 4 when approved by the board. The board shall approve continuing education credits under this subpart when the continuing education is related to the domains of practice of assisted living as identified in the NAB job analysis for assisted living directors.

Subp. 6. **Unacceptable content for continuing education activities.** Subjects for continuing education that are not acceptable to meet license renewal requirements include:

- A. general personal development including stress management;
- B. assisted living facility or company orientation;
- C. assisted living facility or company policies or procedural issues;
- D. organizational functions such as business meetings and election of officers;
- E. medical treatment at a clinical level beyond that required for licensure as an assisted living director; and
- F. any other subject unrelated to content specified under subpart 4.

Subp. 7. **Requirements in specified subjects.** The board shall, when compelled by advancement in scope of practice or emerging long-term services and supports issues, and by public written notice to each licensee on or before September 1, require all licensees to attend continuing education programs in specified subjects.

6400.7091 NUMBER OF CE CREDITS FOR ACTIVITIES.

Acceptable activities to meet continuing education requirements for license renewal and the number of continuing education credits that licensees may obtain for each are described in items A to K.

A. A licensee who attends board-approved seminars, webinars, institutes, or workshops shall receive CE credit on a clock-hour basis for the actual amount of time spent in the seminar rounded to the nearest lower one-quarter hour. To verify clock hours of attendance at seminars, webinars, institutes, or workshops, a licensee must maintain an attendance certificate provided by the sponsoring organization.

B. A licensee who completes board-approved home study courses, including correspondence work, televised courses, and audio or video recordings, shall receive CE credit for the number of clock hours reasonably required to

Proposed Rules

complete the home study course as determined by the board. To verify completion of the course, the licensee must maintain a certificate of course completion from the sponsor that must include evidence of passing a test corrected by the sponsor.

C. A licensee who attends seminars, webinars, institutes, or workshops, or completes home study courses approved by NAB, shall receive CE credit on the basis of clock hours assigned by NAB. To verify clock hours of attendance at NAB-approved seminars, webinars, institutes, or workshops, or completion of NAB-approved home study courses, the licensee must maintain a certificate provided by the NAB-approved sponsor.

D. A licensee who attends, in another state, seminars, webinars, institutes, or workshops approved by the assisted living director or health services executive licensing authority of the other state shall receive CE credit on the basis of the number of clock hours attended. To verify clock hours of attendance at seminars, webinars, institutes, or workshops approved by another state's licensing authority, the licensee must maintain a certificate of attendance from the sponsor including verification of the state's licensing authority's approval.

E. A licensee who passes academic courses applicable to the domains of practice taken at an accredited postsecondary institution shall receive nine CE credits per quarter credit and 12 CE credits per semester credit. To verify passage of academic courses, the licensee must maintain a copy of an academic transcript showing the course grade and the date it was awarded.

F. A licensee who writes an article on a topic related to long-term care services and supports that is published in a national periodical shall receive two CE credits for an article of 500 to 1,000 words and one additional credit for each additional 500 words to a maximum of ten CE credits per year. To verify publication, the licensee must maintain a copy of the periodical containing the published article.

G. A licensee who presents a paper or lecture on a topic related to long-term services and supports of at least one hour at a national or statewide meeting shall receive two CE credits per one hour of initially presented lectures and one CE credit per hour of lectures repeating previously presented material to a maximum of ten CE credits per year. To verify the presentation, the licensee must maintain a copy of the text of the information delivered and a copy of the program for the conference or workshop at which the paper or lecture was delivered.

H. A licensee who delivers a lecture on a topic related to long-term services and supports of at least one hour at an academic institution or through a course provider shall receive two CE credits per one hour of initially presented lectures and one CE credit per hour of lectures repeating previously developed material to a maximum of ten CE credits per year. To verify lecture delivery, the licensee shall maintain corroboration from the participating academic institution.

I. A licensee who serves as a member of a board, committee, council, or work group that includes members from several nursing or assisted living facilities or organizations and deals primarily with issues in assisted living facility operation or long-term care shall receive CE credit per membership position held provided the group meets at least quarterly or for at least four hours of work in a year to a maximum of six CE credits per year for all membership positions combined. Where the licensee verifies that the licensee's participation on a single board, committee, council, or work group exceeded the minimum specified for a single CE credit by double the amount of hours of attendance, the licensee shall receive two CE credits per membership position to a maximum of six CE credits per year for all membership positions combined. To verify board, committee, council, or work group participation, the licensee must maintain written verification of membership and attendance from an officer of the group and must provide the learning objectives of the meeting.

J. An individual who serves as a mentor for an assisted living director in residence's field experience shall receive two CE credits per month spent serving as director to a maximum of 16 CE credits per year. To verify mentor service, the mentor must maintain documentation of service from the participating course provider. An individual who attends training sessions to prepare mentors to oversee field experiences shall receive CE credit on the same clock-hour basis as for seminars, webinars, institutes, and workshops under item A. This item also applies to a health services executive applying for licensure renewal under part 6400.6740 who serves as a mentor for an assisted living director in residence's

Proposed Rules

field experience.

K. Other continuing education activities not specified in items A to J may be approved for up to ten CE credits per year on an individual basis upon submission of information to the board concerning the activity in which the licensee has engaged, the results of the learning, the number of hours involved, the number of CE credits requested, and some means of verifying completion of the activity. The board shall consider the information submitted and determine whether to approve the activity and, if so, what number of CE credits to award for the activity, and shall notify the requesting licensee of the board's determination. In making its determination, the board shall consider whether the activity contributed to the advancement and extension of professional skill and knowledge of the licensee in matters related to the practice of assisted living facility direction.

6400.7092 SPONSORING CONTINUING EDUCATION.

Subpart 1. **Applying for individual program approval.** Individuals, groups, or organizations wishing to sponsor educational seminars, webinars, institutes, workshops, or home study programs shall submit the following, in writing, to the board to obtain review and approval for clock hours of CE credit for licensees to use in meeting continuing education requirements for license renewal:

A. date, time, and location of presentation;

B. presentation content, showing specific time periods, topics, titles, and speakers including their professional qualifications;

C. number of clock hours requested;

D. a statement indicating the sponsor's willingness to maintain a means of verifying attendance and provide each attendee a certificate of attendance or other appropriate means of attesting to the number of clock hours actually attended by each attendee;

E. for home study programs, evidence of a testing process to measure the participant's attainment of knowledge and information provided in study materials; and

F. a fee based on the number of clock hours requested to be reviewed and approved.

Subp. 2. **Licensee-sponsored programs and courses.** A licensed director who attends a seminar, webinar, institute, or workshop, or participates in a home study course that has not been reviewed and approved by the board for a sponsor, may serve as the sponsor of a program and obtain review of the program and assignment of clock hours by submitting to the board:

A. a copy of the seminar program or other document identifying the program content and other information required of program sponsors under subpart 1, items A to C; and

B. a fee in the same amount as would be charged to a sponsor under subpart 1, based on the total number of clock hours requested to be reviewed and approved.

Subp. 3. **Review of sponsor requests.** The board shall review sponsor requests and approve CE credit hours for programs with content, presenters, and means of verifying attendance or measuring knowledge attainment under subpart 1 and part 6400.7090, subpart 4, and notify the requesting sponsor of the decision.

Subp. 4. **Designation of registered continuing education sponsors.** An organization that annually sponsors multiple educational seminars, webinars, institutes, workshops, or home study courses may request designation by the board as a registered continuing education sponsor on an annual basis beginning September 1 and ending August 31. Registered continuing education sponsors may assign CE credit hours to their own program offerings applying the provisions of this chapter. The board shall review and approve requests for designation and authority as a registered continuing

Proposed Rules

education sponsor if the sponsor:

- A. is a regionally accredited university or college or division thereof or a state or national membership organization in the field of health care;
- B. has been a sponsor of continuing education programs approved by the board under subpart 3 for the two years preceding the request to be named a registered sponsor;
- C. has complied fully with the board's criteria for sponsors of continuing education programming;
- D. has requested designation on forms prescribed by the board and paid a nonrefundable filing fee of ten percent of the registered continuing education sponsor fee;
- E. has signed an agreement to:
 - (1) comply with the rules of the board in assigning clock hours to continuing education programs;
 - (2) provide certificates of attendance to participants; and
 - (3) provide the board with information concerning sponsored programs; and
- F. has paid the balance of the registered sponsor fee within 30 days of notification by the board of approval of the organization as a registered continuing education sponsor.

Subp. 5. **Performance review of registered sponsors.** The board shall review performance of registered sponsors annually upon the sponsor's request to renew the one-year sponsor agreement with the board or more frequently if determined necessary in the judgment of the board and shall remove registered sponsor status from an organization upon 30 days' notice if the sponsor has been found to violate the terms of the agreement with the board.

Subp. 6. **Course program provider waiver.** A course program provider approved by the board is exempt from the annual fee by validating attendance and recording and merging the verified attendance records with the board's online continuing education attendance system.

STANDARDS OF PRACTICE

6400.7095 STANDARDS OF PRACTICE; ENFORCEMENT.

Subpart 1. **Criteria.** The board may impose disciplinary action as described in subpart 2 against an applicant, the holder of a permit to serve as a director in residence, or a licensee, when the board determines, by a preponderance of the evidence and after notice and an opportunity to be heard at a contested case hearing, that the applicant, permit holder, or licensee:

- A. has been convicted of a felony or gross misdemeanor, including a finding or verdict of guilt, whether or not the adjudication of guilt has been withheld or not entered, an admission of guilt, or a no contest plea, when the felony or gross misdemeanor is related to the practice of assisted living director, as evidenced by a certified copy of the conviction;
- B. has been convicted of a crime against a minor, including a finding or verdict of guilt, whether or not adjudication of guilt has been withheld or not entered, an admission of guilt, or a no contest plea;
- C. is not eligible to be employed as an assisted living director under Minnesota Statutes, section 144A.20, subdivision 4;
- D. has failed to comply with Minnesota Statutes, section 626.557, the Vulnerable Adult Act;
- E. has violated a statute, rule, or order that the board issued or is empowered to enforce or that pertains to directing an assisted living facility or to the responsibilities of an assisted living director;

Proposed Rules

F. has discriminated against any resident or employee based on age, race, sex, religion, color, creed, national origin, marital status, status with regard to public assistance, sexual orientation, or disability;

G. has committed acts of misconduct related to qualifications, functions, or duties of an assisted living director and evidenced unfitness to perform as an assisted living director in a manner consistent with protecting resident health, safety, and welfare;

H. has engaged in fraudulent, deceptive, or dishonest conduct, whether or not the conduct relates to the practice of assisted living facility direction, that adversely affects the individual's ability or fitness to practice as an assisted living director or health services executive;

I. has engaged in unprofessional conduct, including any departure from or failure to conform to the minimum standards of acceptable and prevailing practice, as specified in state and federal statutes and rules concerning administration of assisted living facilities, without actual injury having to be established;

J. has failed to take good faith efforts to protect the safety, health, or life of a resident;

K. has willfully permitted the unauthorized or illegal disclosure of information relating to a resident;

L. has engaged in sexual harassment, made sexual advances toward, or engaged in sexual contact with any resident, student, or trainee under the individual's supervision, or engaged in sexual harassment of an employee, consultant, or visitor to the facility in which the individual practices;

M. has practiced fraud, deceit, cheating, or misrepresentation, or provided misleading omission or material misstatement of fact, in securing, procuring, renewing, or maintaining a license or permit;

N. has used the individual's professional status, title, position, or relationship as a licensee or permit holder to coerce, improperly influence, or obtain money, property, or services from, a resident, a resident's family member or visitor, an employee, or any person served by or doing business with the assisted living facility that the individual administers or is employed by;

O. has paid, given, caused to be paid or given, or offered to pay or give to any person, a commission or other consideration for solicitation or procurement either directly or indirectly for assisted living facility patronage. Nothing in this item shall be construed to limit or restrict commercial advertisement;

P. has knowingly aided, advised, or allowed an unlicensed person to engage in the unlicensed practice of assisted living facility direction;

Q. has practiced fraudulent, misleading, or deceptive advertising with respect to the facility of which the licensee is director;

R. has wrongfully transmitted or surrendered possession of the individual's license or permit to any other person, either temporarily or permanently;

S. has falsely impersonated another licensee or permit holder;

T. has practiced without a current license or permit;

U. has made a false statement or knowingly provided false or misleading information to the board; failed to submit reports as required by the board; failed to cooperate with an investigation of the board, the Office of the Attorney General, or the Minnesota Department of Health; or violated an order of the board;

V. has been the subject of a reprimand, restriction, limitation, condition, revocation, suspension, surrender, or other disciplinary action against the person's assisted living director license in another jurisdiction or any other health care professional license or permit in Minnesota or another jurisdiction;

W. has failed to report a reprimand, restriction, limitation, condition, revocation, suspension, surrender, or other disciplinary action against the person's license in another jurisdiction or failed to report the existence of a complaint or other charges against the person's license in this or another jurisdiction or has been refused a license as an assisted living director by any other jurisdiction for reasons other than a difference in academic or experience requirements among

Proposed Rules

jurisdictions:

X. has abused or is dependent on alcohol, a legend drug as defined in Minnesota Statutes, chapter 151, a chemical as defined in Minnesota Statutes, chapter 151, or a controlled substance as defined in Minnesota Statutes, chapter 152, and this abuse or dependency has negatively affected the performance of the individual's duties; or

Y. has failed to meet the requirements of part 6400.7030 when mentoring an assisted living director in residence during the field experience.

Subp. 2. **Actions.** If grounds for disciplinary action exist under subpart 1, the board shall take one or more of the following actions:

A. refuse to grant a permit;

B. refuse to grant or renew a license;

C. revoke a license or permit;

D. suspend a license or permit;

E. impose limitations or conditions on a license or permit;

F. censure or reprimand the licensee or permit holder;

G. refuse to permit an applicant to take the licensure examination or refuse to release an applicant's examination score; or

H. any other action authorized by statute.

Subp. 3. **Considerations.** In determining what action to take under subpart 2, the board shall consider:

A. the responsibility and response of the individual prior to, during, and after the occurrence warranting disciplinary action under subpart 1;

B. extenuating circumstances;

C. repeated complaints against the individual; and

D. the severity of or the potential of harm to residents.

REPEALER. Minnesota Rules, part 6400.5100, subpart 9a, is repealed.

TERM CHANGE. The term "long-term care" is changed to "long-term services and supports," together with any necessary grammatical changes, wherever it appears in Minnesota Rules, chapter 6400.

Commissioner's Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners orders are compiled in the year-end subject matter index for each volume of the *State Register*.

Department of Natural Resources

Commissioner's Order #1 ML 2020: Amend Walleye Season and Walleye Limits to Make Adjustments to Manage Fisheries in the 1837 Ceded Territory (Mille Lacs)

Date: December 1, 2020

Statutory authority: *Minnesota Statutes*, section 97C.005, subdivision 3

Supersedes: Expedited Emergency Game and Fish Rule 6264.0400, subd. 4, item F, referring to the catch and release angling season and possession restriction for walleye: Mille Lacs Fishing Regulations as published in the 4 May 2020 State Register (44 SR 1261)

BACKGROUND

Each year a harvestable surplus is set for walleye in Lake Mille Lacs by a joint management process between the state and the eight Chippewa Bands that are signatories to the Treaty of 1837. The harvestable surplus is the pounds of fish that can be taken safely from Lake Mille Lacs while ensuring sufficient walleye remain in the lake for a healthy population. The harvestable surplus for 2021, which is allocated between the State of Minnesota and the eight Chippewa Bands, will not be determined until January 2021. However, the Minnesota Department of Natural Resources (DNR) is confident that the harvestable surplus will be similar to the 2020 harvestable surplus; therefore, for the winter 2020/2021 fishing season, state anglers may take a limited harvest above the incidental kill rate that occurs from catch and release fishing. The winter 2020/2021 fishing season will commence December 1, 2020, and extend through February 28, 2021, with the harvest restrictions outlined in the order below. This decision is based on the results of recent fisheries surveys that indicate the Mille Lacs walleye fishery can accommodate a limited harvest during the ice fishing season and stay within the projected state share of the 2021 harvestable surplus.

For all other species, the Expedited Emergency Game and Fish Rule adopted on May 4, 2020, will remain in effect.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to authority vested in me by law, including *Minnesota Statutes*, section 97C.005, subdivision 3, that:

1. The angling season for walleye begins at 12:01 a.m. on December 1, 2020, and continues to 11:59 p.m. on February 28, 2021. While a person is on or angling in Lake Mille Lacs, the possession limit for walleye is one, provided:
 - a. a walleye in possession must be from 21 inches in length to 23 inches in length, inclusive, or over 28 inches in length; and
 - b. all other walleye must be returned immediately to the water.
2. Fishing for all other species, including northern pike, perch, and panfish, and the existing regulations for all other species, continue unaffected by this order.

Sarah Strommen, Commissioner

Date: November 23, 2020

Official Notices

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

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

Minnesota State Arts Board

REQUEST FOR COMMENTS for Possible Amendments to Rules Governing the Procedures and Criteria Followed in the Distribution of Grants and Other Assistance in the Furtherance of the Arts in Minnesota, and Rules Governing Procedures and Requirements for Minnesota Regional Arts Councils Minnesota Rules, part 1900

Revisor's ID Number: R-04679

Subject of Rules. The Minnesota State Arts Board requests comments on its possible amendments to rules governing the distribution of grants and other assistance in the furtherance of the arts. The board is considering the adoption of rules that make permanent one pilot grant program (Minnesota Community Arts Education) that has proven to be successful. It also is considering adding new definitions or clarifying definitions that would impact eligibility in some of its grant programs.

Minnesota Statutes direct the board to serve as fiscal agent for a statewide system of regional arts councils. The board makes legislatively mandated grants to each council and is required, by Minnesota grant management policies to manage legislatively mandated grants with the same level of oversight applied to other state grants, while respecting and maintaining the legislative intent. The board will use this rulemaking to make changes to rules that govern its relationship with the councils and the requirements councils must meet to receive legislatively mandated grants from the board. Specifically, it will propose changes to the timeline and requirements that relate to the councils' biennial plans, it will revise membership in its liaison committee, and it will make other changes to better align the rules with existing language in Minnesota Statutes.

Finally, the board will use this rulemaking as an opportunity to make other minor changes as needed to clarify existing rules and further the board's mission to stimulate and encourage the creation, performance and appreciation of the arts in the state.

Persons Affected. These amendments to the rules would likely affect organizations seeking grants from the board and would affect the state's eleven regional arts councils.

Statutory Authority. *Minnesota Statutes*, section 129D.04, subd.1 requires the Minnesota State Arts Board to:

(5) promulgate by rule procedures to be followed by the board in receiving and reviewing requests for grants, loans or other forms of assistance; and

(6) promulgate by rule standards consistent with this chapter to be followed by the board in the distribution of grants, loans, or other forms of assistance.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that the board intends to adopt or to withdraw the rules. The board 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 board does not plan to appoint an advisory committee to comment on the possible rules.

Rules Drafts. The board has not yet drafted the possible amendments and does not anticipate that a draft of the rules will be available before the publication of the proposed rules. Upon publication, the proposed rules will be made available for notice and comment on the board's Web site at <http://www.arts.state.mn.us/>

Official Notices

Agency Contact Person. Comments, questions, requests to receive a draft of the rules, once prepared, and requests for more information on these possible rules should be directed to: Sue Gens, executive director, Minnesota State Arts Board, 540 Fairview Avenue North, Suite 304, Saint Paul, Minnesota 55104; E-mail: sue.gens@arts.state.mn.us; Phone: (651) 539-2659; Toll-free: (800) 866-2787; Minnesota Relay Service (TTY): 711

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

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 a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

November 23, 2020

Susanne K. Gens
Executive Director

Department of Labor & Industry (DLI) Notice of Minimum Truck Rental Rates for State Funded Projects

The Minnesota Department of Labor and Industry has announced a determination of the minimum truck rental rates for state funded road projects. The truck rental rate is determined for each equipment type by adding the hourly average of the costs of operating the vehicle as submitted by survey respondents to the certified prevailing wage rate for the driver.

This year there was insufficient cost data submitted to DLI to determine a new hourly average cost of operating a vehicle. Cost data used in DLI's analysis must be representative of five trucking firms of various sizes and five independent truck owner operators for each type of truck. Therefore, last year's average operational cost has been carried forward and combined with this year's certified prevailing-wage rate for a driver to establish the minimum truck rental rate.

Please take notice that on December 11, 2020 at 10:00 a.m., the Department of Labor and Industry will hold the informal conference pursuant to Minnesota Rules, part 5200.1105. Due to COVID 19, no visitors or walk-ins are allowed at Labor and Industry. DLI will host a WebEx informal conference to receive public input about construction truck operating costs prior to the certification and publication of the minimum truck rental rates.

Information about the WebEx informal conference and the determination of the minimum truck rental rates are available online at: <http://dli.mn.gov/business/employment-practices/prevailing-wage-minimum-truck-rental-rates>

Questions regarding determinations may be directed to the following:

Division of Labor Standards & Apprenticeship
443 Lafayette Road N St. Paul, MN 55155
Phone: 651-284-5091
Email: dli.prevwage@state.mn.us

Minnesota Pollution Control Agency (MPCA) Public Notice of Intent to Issue a 401 Water Quality Certification for U.S. Army Corps of Engineers Nationwide Permits (NWP)

The Minnesota Pollution Control Agency (MPCA) Commissioner has made a preliminary determination to certify the referenced Nationwide Permits (NWP), with conditions, and has preliminarily determined that the NWP will satisfy the antidegradation standards in Minn. R. 7050.0270.

The U.S. Army Corps of Engineers is seeking state 401 Water Quality Certification for NWP. MPCA is planning to certify the NWP with conditions. However, the MPCA is also excluding certain unique waters and projects that impact 300 linear feet or more of a stream or river from general certification under the NWP. The preliminary determination to issue this 401 Water Quality Certification is to Certify with Conditions.

A draft Section 401 Water Quality Certification is available for review on the MPCA Public Notices webpage at <http://www.pca.state.mn.us/publicnotices> or at the MPCA office address listed under the MPCA contact person. The MPCA will mail or email a copy of the draft certification upon request. Comments, petitions, and other requests must be received at the MPCA in writing on or before the public comment period end date and time identified above.

Procedure for public participation

As stated in Minn. R. chs. 7000 and 7001, there are three formal procedures for public participation in the MPCA's consideration of this matter. Interested persons may:

- (1) Submit written comments on the draft certification and antidegradation determination.
- (2) Petition the MPCA to hold a public informational meeting.
- (3) Petition the MPCA to hold a contested case hearing.

Submitting written comments

To submit comments or petitions to the MPCA through the mail or email, you must state:

- (1) Your interest in the request for 401 water quality certification or the draft 401 water quality certification.
- (2) The action you wish the MPCA to take, including specific references to the section of the draft 401 water quality certification you believe should be changed.
- (3) The reasons supporting your position, stated with sufficient specificity as to allow the MPCA to investigate the merits of the position.

Public informational Meeting

A virtual Public meeting will be held at 10:00 am on December 16 and can be accessed through the following link:
Virtual Webex Meeting Link

Contested Case Hearing

A contested case hearing is a formal proceeding before an administrative law judge empowered to advise the MPCA regarding issues of fact. As described in Minn. R. 7000.1800, persons who submit petitions for a contested case hearing must also state the issues they propose to address in a contested case hearing, the specific relief requested or resolution of the matter, and the reasons (which may be in the form of proposed findings) supporting an MPCA decision to hold a contested case hearing. Failure to comply with these rules exactly may result in a denial of the request. To the extent known, the petitioner may also submit a list of prospective witnesses to be called at a hearing, a proposed list of publications, references, or studies to be introduced at a hearing and the approximate time required for the petitioner to present the matter at a hearing. The decision whether to hold a contested case hearing will be made under Minn. R. 7000.1900.

State Grants & Loans

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

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

Minnesota Amateur Sports Commission Request for Proposals for 2020 James Metzen Mighty Ducks Ice Arena Grant Program

The State of Minnesota, acting through its agency, the Minnesota Amateur Sports Commission (MASC), is seeking proposals from interested communities to improve and update ice arenas.

The James Metzen Mighty Ducks Ice Arena Grant Program is named in honor of State Senator James Metzen who was instrumental in creating the original Mighty Ducks program in 1995. Sen Metzen, who represented South St. Paul for over 40 years in the legislature, was a tireless supporter of youth hockey and ice sports all around the state.

The 2020 grant program has \$2 million to help Minnesota communities eliminate R-22 refrigerant or improve air quality in ice arenas. Grant recipients must have at least one local partner who is a political subdivision of the state and all grant applications require a minimum one-to-one dollar match from non-state sources.

Grant types and amounts

1. Direct R-22 Refrigerant Elimination. Communities may apply for up to \$500,000 to convert an existing direct R-22 refrigeration system.
2. Indirect R-22 Refrigerant Elimination. Communities may apply for up to \$250,000 per ice sheet to convert an existing indirect R-22 refrigeration system
3. Indoor Air Quality Improvement. Communities may apply for up to \$25,000 for the replacement or renovation of HVAC systems to improve indoor air quality. Electric resurfacers are NOT eligible for grants in this year's program.

The result of a successful grant shall be to improve ice arenas capable of hosting all ice sports competitions and training as well as maximize the community's ability to generate economic benefits by promoting ice sports programming for females and males.

How to apply

A grant application is located at http://www.mnsports.org/mighty_ducks.stm

All proposals must be received no later than 5:00 p.m. central time on Monday, January 11, 2021.

Agency Contact

Communities interested in submitting grant proposals, or responders who have questions regarding this application may contact:

Spencer Arvold – sarvold@mnsports.org
Jayme Murphy – jmurphy@mnsports.org
Lynda Lynch – llynch@mnsports.org

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

Notice of Availability of Request for Proposal (RFP) for Designer Selection for: State Emergency Operations Center (SEOC) – (SDSB Project # 20-03) (RECS Project #07XX0001)

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

A full Request for Proposals is available on the Minnesota Department of Administration's website at <https://mn.gov/admin/government/construction-projects/sdsb/projects/> (click SDSB Project #20-03).

A **mandatory** informational meeting is scheduled for **Wednesday, December 9, 2020 at 2:00p.m. CT via a virtual Microsoft Teams Meeting. The meeting will not include a tour of the proposed project site, but we will review the scope of work.**

Each firm submitting a prime proposal must pre-register by no later than 3:00 p.m., Tuesday, December 8, 2020 via email to the state's project manager, Glen Heino at glen.heino@state.mn.us. Please include your name, firm name, and email address. A Microsoft Teams invite will be sent out by 10:00 a.m. the morning of Wednesday, December 9, 2020.

Any questions should be directed to Erin Fogerty-Miller at erin.fogerty-miller@state.mn.us. Project questions will be taken by this individual only. Questions regarding this RFP must be received by **Friday, December 11, 2020, no later than 12 noon Central Time.**

Proposals must be delivered to SDSB.Proposals.ADM@state.mn.us not later than **Monday, December 21, 2020 at 12:00 PM Noon CT.** Late responses will not be considered.

The Department of Administration 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.

State Contracts

Minnesota State Colleges and Universities (Minnesota State) Non-Construction Related Bid and Contracting Opportunities

Minnesota State is now placing additional public notices for P/T contract opportunities, goods/commodities, and non-construction related services on its Vendor and Supplier Opportunities website (<http://minnstate.edu/vendors/index.html>). 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.

If you have any questions regarding this notice, or are having problems viewing the information on the Vendor and Supplier Opportunities website, please call the Minnesota State Procurement Unit at 651-201-1444, Monday-Friday, 9:00 am – 4:00 pm.

Minnesota State Colleges and Universities (Minnesota State) Northland Community and Technical College Notice of Request for an FM Digital Broadcast Transmitter

NOTICE IS HEREBY GIVEN that Northland Community & Technical College Requests for Proposal (RFP) for an FM Digital Broadcast Transmitter for our radio station. To receive a copy of the full RFP, please contact Shannon Jesme either by telephone (218) 683-8577 or email at shannon.jesme@northlandcollege.edu.

Proposals are due by 5:00 p.m. central time, Monday, December 14, 2020 and are to be addressed to Shannon Jesme, Northland Community and Technical College, 1101 Highway 1 East, Thief River Falls, MN 56701. Any questions should be in the form of an RFI and directed to Chad Sperling at email chad.sperling@northlandcollege.edu. Late responses will not be considered.

Minnesota State Colleges and Universities is not obligated to complete the proposed project and reserves the right to cancel the solicitation.

Department of Employment and Economic Development (DEED) Vocational Rehabilitation Services Request for Proposals for Work Based Learning Licensure Endorsement for Special Educators

The Department of Employment and Economic Development, through its Vocational Rehabilitation Services Division, is seeking proposals for work-based learning licensure endorsement for special educators. The RFP is posted on DEED's website: <https://mn.gov/deed/about/contracts/>. Responses must be received not later than 5:00 pm, Central Daylight Time, on January 15, 2021.

Department of Public Safety Driver and Vehicle Services Division Notice of Request for Submissions for 2021 Ignition Interlock Device Program Certification Process

The Driver and Vehicle Services (DVS) division of the Department of Public Safety (DPS) is requesting submissions from qualified ignition interlock device (IID) manufacturers for the purpose of certification in the Minnesota Ignition Interlock Device Program beginning January 1, 2021, and ending December 31, 2021.

All requirements and information and submission delivery instructions are included in a certification packet which is available from:

Barbara Flaherty
Department of Public Safety; Driver and Vehicle Services
445 Minnesota Street
Saint Paul, MN 55101
Telephone: 651.201.7910
Email address: Barbara.Flaherty@state.mn.us

Deadline for submission of the required documents is 2:30 p.m. Central Time on Friday, December 11, 2020.

This Request for Submissions does not obligate the State or the Department of Public Safety to certify any ignition interlock device manufacturer; and the State and DPS each reserves the right to cancel this Request. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota Racing Commission Notice of Contract Opportunity for Assistant Commission Veterinarian

PROJECT NAME: Assistant Commission Veterinarian

DETAILS: The Minnesota Racing Commission (MRC) is accepting proposals for the contractual position of Assistant Commission Veterinarian for the live Thoroughbred and Quarter horse race meet to be held May 2021 through mid-September 2021 at Canterbury Park in Shakopee, Minnesota and the live Standardbred racing meet to be held from May 2021 through mid-September 2021 at Running Aces Casino and Racetrack in Columbus, Minnesota. The approximate term of contract would be from April 2021 through April 2022, with the option to extend an additional four years in increments determined by the State.

The MRC is seeking Minnesota licensed veterinarians to fill in at both racetracks on a part-time intermittent basis as needed, on Tuesday, Thursday and Friday evenings, as well as Saturdays and Sundays. Contractors will perform pre-race examinations, medication testing, and various other veterinary duties as assigned. Days and hours are somewhat flexible. Contractors may not perform any private veterinary services on racehorses during the racing season while working for the MRC. Preference will be given to bidders who have equine veterinary medicine experience.

Work is anticipated to start after May 2021.

COPY REQUEST: To get a copy of the Request for Proposal, please send a written request, by email, to:

Bob Schiewe, Deputy Director
Minnesota Racing Commission
bob.schiewe@state.mn.us

PROPOSAL DEADLINE: Proposals submitted in response to the Request for Proposal in this advertisement must be received by email no later than December 31, 2021 at 4:30 p.m. central time. Preference will be given to responses received by January 31, 2021 at 4:30 p.m. central time for the initial award of contract(s). **Late proposals will not be considered.**

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

State Contracts

Minnesota Racing Commission

Notice of Contract Opportunity for Harness Racing Judge

PROJECT NAME: Harness Racing Judge

DETAILS: The Minnesota Racing Commission (MRC) is accepting proposals for the contractual position of Harness Racing Judge for the live harness racing meet to be held May 2021 through mid-September 2021 at Running Aces Hotel, Casino and Racetrack in Columbus, Minnesota. The approximate term of contract would be from April 15, 2021 through April 14, 2022, with the option to extend an additional four years in increments determined by the State.

Work is anticipated to start after in April 2021.

COPY REQUEST: To get a copy of the Request for Proposal, please send a written request, by email, to:

Bob Schiewe, Deputy Director
Minnesota Racing Commission
bob.schiewe@state.mn.us

PROPOSAL DEADLINE: Proposals submitted in response to the Request for Proposal in this advertisement must be received by email no later than December 31, 2021 at 4:30 p.m. central time. Preference will be given to responses received by January 31, 2021 at 4:30 p.m. central time for the initial award of contract(s). **Late proposals will not be considered.**

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

Minnesota Racing Commission

Notice of Contract Opportunity for Horse Racing Steward

PROJECT NAME: Horse Racing Steward

DETAILS: The Minnesota Racing Commission (MRC) is accepting proposals for the contractual position of Racing Steward for the live Thoroughbred and Quarter horse race meet to be held May 2021 through mid-September 2021 at Canterbury Park in Shakopee, MN. The approximate term of contract would be from April 15, 2021 through April 14, 2022, with the option to extend an additional four years in increments determined by the State.

Work is anticipated to start after in April 2021.

COPY REQUEST: To get a copy of the Request for Proposal, please send a written request, by email, to:

Bob Schiewe, Deputy Director
Minnesota Racing Commission
bob.schiewe@state.mn.us

PROPOSAL DEADLINE: Proposals submitted in response to the Request for Proposal in this advertisement must be received by email no later than December 31, 2021 at 4:30 p.m. central time. Preference will be given to responses received by January 31, 2021 at 4:30 p.m. central time for the initial award of contract(s). **Late proposals will not be considered.**

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

Minnesota Department of Transportation (MnDOT)

Engineering Services Division

Notices Regarding Professional/Technical (P/T) Contracting

P/T Contracting Opportunities: MnDOT is now placing additional public notices for P/T contract opportunities on the MnDOT's Consultant Services website. 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.

Taxpayers' Transportation Accountability Act (TTAA) Notices: MnDOT is posting notices as required by the TTAA on the MnDOT Consultant Services website.

MnDOT's Prequalification Program: MnDOT maintains a Pre-Qualification Program in order to streamline the process of contracting for highway related P/T services. Program information, application requirements, application forms and contact information can be found on MnDOT's Consultant Services website. Applications may be submitted at any time for this Program.

MnDOT Consultant Services website: www.dot.state.mn.us/consult

If you have any questions regarding this notice, or are having problems viewing the information on the Consultant Services website, please call the Consultant Services Help Line at 651-366-4611, Monday – Friday, 9:00am – 4:00pm.

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/>.

Brown's Creek Watershed District

Request for Qualifications for Engineering Consulting Services for Calendar Years 2021-2023

1. Introduction

The Brown's Creek Watershed District (BCWD) is the governmental unit with primary responsibility for protecting the water resources of the Brown's Creek Watershed. The District was established in 1997 under the Minnesota Watershed District Act.

The District covers approximately 18,000 acres that drain into Brown's Creek, which then enters the St. Croix River. The watershed includes Brown's Creek; a DNR designated trout stream and several small tributaries. The watershed includes twelve major lakes and numerous wetlands. The District includes portions of the Cities of Oak Park Heights, Grant, Hugo, Lake Elmo, and Stillwater along with May and Stillwater Townships.

2. Solicitation

Minnesota Statutes, Section 103B.227, Subdivision 5, require BCWD to solicit proposals every two years to provide

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

consulting services. The current engineering consulting services include, but are not limited to; 1) assistance with the implementation of the approved 2017-2026 watershed management plan, 2) assistance with a 2017 rule revision process, 3) the implementation of a permitting and plan review program and, 4) advising managers of technical options and various projects and studies as requested by the managers.

3. General Instructions

Firms interested in providing services to BCWD shall submit electronic qualifications. The Brown's Creek Watershed District on or before 3:00 P.M., December 31, 2020, will accept qualification statements.

Submittals should be sent to: Brown's Creek Watershed District
 Attention: Karen Kill
 Karen.kill@mncwd.org

Qualification statements received after this time will not be considered. Prospective responders who have any questions regarding this "Request for Qualifications", may contact Karen Kill, (651) 330-8220 x26.

4. Qualification Statement Content

Firms are requested to include in their qualification statement, the following information in the order listed:

- a. A brief summary of the firms qualifications.
- b. Name and phone number of the person designated to answer questions about the qualification statement.
- c. A specific list of the individuals who would be assigned to work and manage BCWD projects, their proposed responsibilities, technical background, years of experience, and their previous experience in servicing watersheds.
- d. Hourly fee schedules by labor category and an estimated monthly blended retainer fee based upon 66 hours of typical services.
- e. Submittals may not exceed 10 pages in length. Submittals that exceed 10 pages in length may not be considered.

5. Selection Process

Because the BCWD is charged with managing a DNR Designated Trout Stream and many other unique resources, selection will emphasize criteria that indicate a firm's experience and knowledge of integrated resource management approaches to watershed management.

Qualification statements will be evaluated by the Board of Managers and ranked based on the following criteria:

1. Experience with watershed management organizations within the metropolitan area.
2. Experience with innovative and alternative watershed management approaches that integrate water resources engineering with natural resource management.
3. Engineering design and timely construction management and inspection.
4. Locally based firm with the ability to respond to emergency situations in the watershed or situations that would require immediate attention.
5. Ability to work with the public, regulatory agencies (including DNR) and other stakeholders and the ability to communicate effectively with the BCWD Board of Managers, Watershed District Attorney and SWCD staff.
6. Permitting, plan review and environmental assessment experience.
7. Interdisciplinary group of water resources professionals that can provide full range of services to the watershed (i.e., surface water, ground water, natural resources, water quality, engineering, etc.)
8. The BCWD Board of Managers anticipates making a decision, within 30 days, based upon the submittals. However, at their discretion, they may choose to conduct interviews after reviewing the proposals.

