

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Department of Public Welfare
(Agency or Board)

Regulation No. DPW 37-49-151 (~~amended~~ new) (49 amended)

Subject: Grants in Aid to Residential Facilities for Mentally Retarded – Fees + Charges – Health Care Facilities Reports

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
FEB 4 1974 2:40 pm
BY Eda Staudenmaier
AUTH. SIGNATURE EJ

Stamped and filed with the Secretary of State Feb 4, 1974

Rev. 9-72

ADOPTED-37

DPW 37 Department of Public Welfare Rule for the Administration of Grants in Aid to Residential Facilities for the Mentally Retarded and Cerebral Palsied

(a) Minnesota Statutes, Chapter 673, 1973 Legislative Session, established the authority of the Commissioner of Public Welfare to make grants to aid in the purchase, construction of remodeling of community residential facilities for the mentally retarded and cerebral palsied persons.

(b) The terms used in this rule shall mean:

(1) Commissioner - The Commissioner of Public Welfare

(2) Board - The governing body of the proposed residential facility.

(3) Applicant for Grant - Any city, village, town, county, or nonprofit corporation, or any combination thereof, may apply to the Commissioner for a grant under provision of Chapter 673. Applicants must qualify according to licensing provision of M.S. 252.28, DPW Rule 34, and Minnesota Health Department Standards for Supervised Living Facilities. The determination of need and location of proposed facility shall follow the criteria and procedures developed by the Commissioner of Public Welfare.

(c) Statement of Purpose

(1) This rule is designed to aid in the development of community residential services for mentally retarded and cerebral palsied persons which:

(aa) Provide appropriate alternatives for such persons, including those currently in state institutions and nursing homes.

(bb) Allow such persons to live in a homelike atmosphere near their families.

(cc) Comply with the provisions of M.S. 252.28, Rule 34, and Regulations of the Minnesota State Board of Health for the Licensing of Health and Safety Component of Supervised Living Facilities when implemented.

(2) This rule governs the making of grants to nonprofit organizations, municipalities or local units of government.

(d) Board

(1) There shall be a designated board for the facility.

FILED
RICHARD L. BRUBACHER
Commissioner of Administration

FEB 4 1974 2:40 pm

BY Eda Staudenmaier
AUTH. SIGNATURE EJ

2:15 P.M.
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
FEB 4 - 1974
Arlen I. Erdahl
Secretary of State

(2) Where a private nonprofit corporation is the applicant for a grant, there shall be sufficient representation balanced among:

(aa) Parents of the residents.

(bb) Professional persons interested in and having responsibility for services to the mentally retarded. These professional persons may be representative of local health, education, and welfare departments; medical societies; area mental health-mental retardation program boards; state hospitals serving the mentally retarded, and associations concerned with handicapping conditions.

(3) Where a public or government board is the applicant for a grant, DPW Rule 34, Part V, B. 4., is applicable:

The facility shall provide for meaningful and extensive consumer representation and public participation in its operation. If consumer representatives, interested citizens, and relevantly qualified professionals are not represented on the governing body, an advisory body composed of such representation shall be appointed by the governing body.

(4) Each board shall submit such reports as the Commissioner may require.

(5) Each facility board is responsible for cooperative planning with other agencies in the community, such as special education, sheltered workshops, vocational training, county welfare departments, the area mental health-mental retardation program boards, state institutions and daytime activity centers.

(6) Application shall be made on forms supplied by the Department of Public Welfare, which includes a statement of purpose and goals of the program.

(e) Finances and Budget

(1) Applicants shall submit statements concerning the source of all funding for the construction, purchasing or remodeling of the facility, including federal grants, local government funds, gifts, charitable sources, mortgages, and other information as required by the Commissioner.

(2) Grants may be awarded to provide up to 25 per cent of the cost of constructing, purchasing or remodeling, of which one-fifth of the grant may be used for equipment and initial staff costs.

(f) Criteria for Grant Awards

(1) Grant awards will be based on additional considerations, which include:

(aa) How grant money would work conjunctively with other funding sources.

(bb) How grant money would generate other funding sources (i.e., matching with federal funds, local tax contributions, community projects).

(cc) Compliance with provisions for residents to live in homelike atmosphere, near their families, in facilities for no more than 16 persons, and no more than two such facilities located together.

(dd) Whether the application presents new, innovative, pilot or demonstrational ideas regarding developmental programs, types of persons to be served, administrative organization or other services to be provided to the community.

(g) An advisory board will be appointed pursuant to provisions of Chapter 673.

ADOPTED-49

Changes and additions indicated by *italics*, deletion by ~~strike-out~~.

DPW 49

III - A - 1 - f
4921a

6. A complete statement of fees and charges.

III - A - 1 - g
4921a

7. The names of all persons other than mortgage companies owning any interest in the facility including stockholders with an ownership interest of ten per cent or more of the facility.

III - A - 9
4921

(i) Confidentiality of submitted reports. ~~All reports submitted by providers will be considered confidential pursuant to Minnesota Statutes, Section 393.07, Subdivision 4. No data identified with a provider by name will be issued publicly by the Department; however, this provision cannot apply to the functions of other state agencies and the Federal Government where accessibility is required by existing laws and regulations.~~

ADOPTED-157

DPW 151 Health Care Facility Reports

(a) Authority and Objectives

(1) This rule is enacted pursuant to 1973 Laws of Minnesota, Chapter 688, Section 8, in order to provide a system for the financial reporting of all facilities licensed under provisions of Minnesota Statutes 144.50 to 144.58.

(b) Required Reports

(1) All facilities (except those filing reports pursuant to DPW 49 or DPW 52) licensed under the provisions of Minnesota Statutes 144.50 to 144.58 must file the following information with the Commissioner of the Department of Public Welfare within 90 days of the end of the facility's normal fiscal year:

(aa) an annual statement of income and expenditures,

(bb) a complete statement of all fees and all charges,

(cc) the names of all persons other than mortgage companies owning any interest in the facility including stockholders with an ownership interest of ten percent or more of the facility.

D.P.W. Rules

37, 49, 151

APPROVED AS TO FORM AND LEGALITY

Feb. 4 19 74

WARREN SPANNAUS, ATTORNEY GENERAL

BY Kathleen Wilcox

SPECIAL ASSISTANT ATTORNEY GENERAL

PROPOSED-37

FOR PUBLIC HEARING

DPW RULE #37 - DEPARTMENT OF PUBLIC WELFARE RULE FOR THE ADMINISTRATION OF GRANTS IN AID TO RESIDENTIAL FACILITIES FOR THE MENTALLY RETARDED AND CEREBRAL PALSIED

I. Minnesota Statutes, Chapter 673, 1973 Legislative Session, established the authority of the Commissioner of Public Welfare to make grants to aid in the purchase, construction or remodeling of community residential facilities for the mentally retarded and cerebral palsied persons.

II. The terms used in this rule shall mean:

a. Commissioner - The Commissioner of Public Welfare

b. Board - The governing body of the proposed residential facility

c. Applicant for Grant - Any city, village, town, county, or non-profit corporation, or any combination thereof, may apply to the Commissioner for a grant under provision of Chapter 673. Applicants must qualify according to licensing provision of M.S. 252.28, DPW Rule #34, and Minnesota Health Department Standards for Supervised Living Facilities. The determination of need and location of proposed facility shall follow the criteria and procedures developed by the Commissioner of Public Welfare.

III. Statement of Purpose

a. This rule is designed to aid in the development of community residential services for mentally retarded and cerebral palsied persons which:

1. Provide appropriate alternatives for such persons, including those currently in state institutions and nursing homes.

2. Allow such persons to live in a homelike atmosphere near their families.

3. Comply with the provisions of M.S. 252.28, Rule #34, and Regulations of the Minnesota State Board of Health for the Licensing of Health and Safety Component of Supervised Living Facilities when implemented.

b. This rule governs the making of grants to non-profit organizations, municipalities or local units of government.

IV. Board

a. There shall be a designated board for the facility.

b. Where a private non-profit corporation is the applicant for a grant, there shall be sufficient representation balanced among:

1. Parents of the residents.

2. Professional persons interested in and having responsibility for services to the mentally retarded. These professional persons may be representative of local health, education, and welfare departments; medical societies; area mental health-mental retardation program boards; state hospitals serving the mentally retarded; and associations concerned with handicapping conditions.

c. Where a public or government board is the applicant for a grant, DPW Rule #34, Part V, B. 4., is applicable:

The facility shall provide for meaningful and extensive consumer representation and public participation in its operation. If consumer representatives, interested citizens, and relevantly qualified professionals are not represented on the governing body, an advisory body composed of such representation shall be appointed by the governing body.

d. Each board shall submit such reports as the Commissioner may require.

e. Each facility board is responsible for cooperative planning with other agencies in the community, such as special education, sheltered workshops, vocational training, county welfare departments, the area mental health-mental retardation program boards, state institutions and daytime activity centers.

f. Application shall be made on forms supplied by the Department of Public Welfare, which includes a statement of purpose and goals of the program.

V. Finances and Budget

a. Applicants shall submit statements concerning the source of all funding for the construction, purchasing or remodeling of the facility, including federal grants, local government funds, gifts, charitable sources, mortgages, and other information as required by the Commissioner.

b. Grants may be awarded to provide up to 25 per cent of the cost of constructing, purchasing or remodeling, of which one-fifth of the grant may be used for equipment and initial staff costs.

VI. Criteria for Grant Awards

a. Grant awards will be based on additional considerations, which include:

1. How grant money would work conjunctively with other funding sources.

2. How grant money would generate other funding sources (i.e., matching with federal funds, local tax contributions, community projects).

3. Compliance with provisions for residents to live in homelike atmosphere, near their families, in facilities for no more than 16 persons, and no more than two such facilities located together.

4. Whether the application presents new, innovative, pilot or demonstrational ideas regarding developmental programs, types of persons to be served, administrative organization or other services to be provided to the community.

VII. An advisory board will be appointed pursuant to provisions of Chapter 673.

Additional information and application forms available by writing to:

Commissioner, Department of Public Welfare
Attention: Director, Community Programs Division
Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155

A N A C T

S.F.No. 1091
Chapter No. 673

relating to health; authorizing the commissioner of public welfare to make grants to aid in the purchase, construction or remodeling of community residential facilities for the mentally retarded and cerebral palsied; directing the commissioner of public welfare to establish an advisory board on community residential facilities for the mentally retarded and cerebral palsied; appropriating money.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. (Establishment of Advisory Council.) The commissioner of public welfare shall appoint an advisory board on community residential facilities for the mentally retarded and cerebral palsied consisting of nine members. Such board shall include representatives of organizations experienced with mentally retarded and cerebral palsied persons. The members of the board shall serve at the pleasure of the commissioner and shall receive no compensation for their services on the board. The commissioner shall assign to the advisory board such powers and duties as he deems suitable.

Section 2. (Authorization to make grants.) The commissioner of public welfare may make grants to non-profit organizations, municipalities or local units of government to provide up to 25 per cent of the cost of constructing, purchasing or remodeling small community residential facilities for mentally retarded and cerebral palsied persons allowing such persons to live in a homelike atmosphere near their families. Up to one-fifth of the grant may be used for equipment and initial staff costs. No aid under this section shall be granted to a facility providing for more than 16 residents in a living unit and with more than two living units. The advisory board established by section 1 of this act shall recommend to the commissioner appropriate disbursement of the funds appropriated by section 3 of this act. Prior to any disbursement of funds the commissioner shall review the plans and location of any proposed facility to determine whether such a facility is needed. The commissioner shall promulgate such rules and regulations for the making of grants and for the administration of this act as he deems proper. The remaining portion of the cost of constructing, purchasing or remodeling facilities shall be borne by non-state sources including federal grants, local government funds, funds from charitable sources, gifts and mortgages.

Section 3. (Appropriation.) There is appropriated to the commissioner of public welfare from the general fund in the state treasury the sum of $50,000 for the biennium for the purposes of this act.

Alec G. Olson, President of the Senate

Martin O. Sabo, Speaker of the House of Representatives

Passed the Senate this 19th day of May in the year of Our Lord one thousand nine hundred and seventy-three.

Patrick E. Flahaven, Secretary of the Senate

Passed the House of Representatives this 18th day of May in the year of Our Lord one thousand nine hundred and seventy-three.

Edward A. Burdick, Chief Clerk, House of Representatives

Wendell R. Anderson, Governor of the State of Minnesota

Arlen I. Erdahl, Secretary of State

Approved May 24, 1973

Filed May 24, 1973

(Application form may be revised after DPW #37 is finalized)

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

Application for Residential Construction Grant is hereby made in behalf of:

_____

Corporation, Municipality, or Unit of Local Government

_____

Address

for a grant in the amount of $_____, from the State of Minnesota for the purpose

of _____

If a grant is made, the warrant should be drawn in the name of:

_____

and sent to (name) _____

(address) _____

AGREEMENT

It is understood and agreed by the applicant that any funds granted pursuant to this application are to be expended for the purposes set forth herein as approved by the Commissioner of Public Welfare and in accordance with the rules and regulations of the Department of Public Welfare. Further, it is understood that the budgets, expenditures and program will be subject to periodic review by the Commissioner, and if funds are not needed to implement the original approved plan, they may be withdrawn after 30 days' notice and reallocated to other programs, or if funds are not being administered in accordance with the approved plan and budget, they may be withdrawn upon 90 days' notice.

The services agreed to under this contract will be in compliance with Title VI of the Civil Rights Act of 1964, and the center will not discriminate on the basis of race, color, creed or national origin.

_____ _____

Signature of Board Chairman Date

_____ _____

Signature of Program Director Date

Note: Complete this page as fully as possible, even though formal board structure is not established.

Facility Name: _____

Address: _____

Mailing Address: _____

County: _____ Telephone: A/C____ _____

Name of Governing Body: _____

Name, address and telephone number of contact person:

_____

_____

_____

_____

Type of Governing Organization(non-profit corporation, municipality, unit of local government, other):

_____

Has formal application been made for license under DPW Rule 34? _____

Is facility licensed under provision of DPW Rule 34? _____

Does facility hold any other license? _____

Topics for discussion (list any topics you would like to discuss with the representative from the Department of Public Welfare:

Signature (the undersigned agrees to cooperate with the Commissioner of Public Welfare by permitting visits of his representatives and making available to them such records and materials requested).

_____ _____

Signature and Title Date

Statement of purpose of the grant application (as provided in DPW Rule #37, Par. III).

How will grant money work conjunctively with other funding sources?

Will grant money generate other funds? If so, how?

Will grant money assist in developing new, innovative, pilot or demonstrational plan or services concerning programs, organization, or community services that will facilitate the concept of de-institutionalization? If so, How?

Financing Plan

Gross Expenditure _____

Itemize by category: i.e., construction, renovation, staffing, equipment, etc.

_____	_____
_____	_____
_____	_____
_____	_____

Source of Revenue

List each separately & identify

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Total _____

1. Has corporation board formally contacted county board of commissioners for local tax funds?

   Yes _____ No _____

2. Has a commitment for local funds been received from:

   a. county: Yes _____ No. _____; Amount of Commitment _____

   b. municipalities: Yes _____ No _____; Amount of Commitment _____

   c. other: (specify) Amount of Commitment _____

3. If answer to 1 and 2 above is no, describe the circumstances:

4. Amount of grant application (not to exceed 25% of gross) _____

5. Amount to be applied for equipment and initial staffing costs (not to exceed 1/5 of grant)

   _____

Send application to: Commissioner, Department of Public Welfare
Attention: Director, Community Programs Division
Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155

PROPOSED-49

PROPOSED REVISIONS-DPW RULE 49

The following are proposed revisions to DPW Rule 49 for public hearing on December 5, 1973. Singularly underlined material is new wording and words lined out are proposed deletions.

Page 4 - 4913a.

1. Required reports. Providers with newly constructed facilities may request an interim welfare rate. Providers who increase the facility's capacity by at least 50% may at their option be considered in this classification. The provider must submit reports as required in 4921a. for the immediate future fiscal year forecast results.

Page 6 - 4914

b. Maximum rate. Individual welfare rates will be subject to a maximum of 125 per cent of regional average rates before this limitation and exclusive of flat rates under 4913c. Regions will be those areas designated by the Governor for regional planning and economic-development purposes. Regions may be combined when deemed appropriate by the Commissioner as announced through policy bulletins. The regional averages will be calculated separately for proprietary, non-proprietary and hospital-attached facilities. The maximum rate limitations will be adjusted annually through policy bulletins. The regional averages will be determined by the Commissioner, using all available information from reports that indicate a fiscal year-end during a calendar year and will be applied to rates that become effective during the second succeeding calendar year. Facilities that have a non-calendar year-end and have been previously subject to the maximum rates may adjust the rates to the new maximum rates if previously justified by the reports.

Page 7 - 4921a

6. A complete statement of fees and charges.

7. The names of all persons other than mortgage companies owning any interest in the facility including stockholders with an ownership interest of ten per cent or more of the facility.

Page 9 - 4921

i. Confidentiality of submitted reports. ~~All reports submitted by providers will be considered confidential, pursuant to Minnesota Statutes, Section 393.07, Subdivision 4. No data identified with a provider~~

~~by name will be issued publicly by the Department; however, this provision cannot apply to the functions of other state agencies and the Federal Government where accessibility to records is required by existing laws and regulations.~~

Page 19 - 4934b. Limitations.

1. The total basis of depreciable nursing-facility assets shall not exceed an average of $11,000 per bed ~~for licensed beds in two or more beds per room~~ and $16,500 per bed for licensed private rooms which satisfy the Certificate of Need provision of 4913c. This limitation shall not apply if the ~~original~~ financing of the facility prior to August 15, 1972 included a mortgage or other fixed obligation secured through an arms-length transaction that was in excess of these limiting amounts.

Page 26 - 4936

d. Minimum cost of captial allowance ~~for all providers~~. Notwithstanding the provision of 4936a.5. and 4936b., the cost of capital allowance for non-leasing providers shall be no less than the combination of:

1. Actual interest on capital indebtedness, and
2. An earnings amount determined by multiplying 93 per cent of capacity patient days for a fiscal year, or part thereof if a short period report is being filed, by thirty-five cents.

PROPOSED-151

DPW Rule 151 Health Care Facility Reports

(a) Authority and Objectives

This rule is enacted pursuant to 1973 Laws of Minnesota, Chapter 688, Section 8, in order to provide a system for the financial reporting of all facilities licensed under provisions of Minn. Stat. 144.50 to 144.58.

(b) Required Reports

All facilities (except those filing reports pursuant to DPW 49 or DPW 52) licensed under the provisions of Minn. Stat. 144.50 to 144.58 must file the following information with the Commissioner of the Department of Public Welfare within 90 days of the end of the facility's normal fiscal year:

(1) an annual statement of income and expenditures

(2) a complete statement of all fees and all charges

(3) the names of all persons other than mortgage companies owning any interest in the facility including stockholders with an ownership interest of ten percent or more of the facility.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE VERA J. LIKINS
COMMISSIONER OF THE
DEPARTMENT OF PUBLIC WELFARE

In the matter of the Proposed Adoption of Rules of the Minnesota Department of Public Welfare governing the administration of Per diem rates for Nursing Homes (Rule 49), grants-in-aid to residential facilities for mentally retarded and cerebral palsey (Rule 37), and cost reports of Health care facilities (Rule 151).

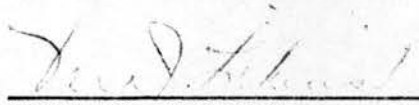
ORDER FOR HEARING

To effectively implement Rules 49, 37 and 151, the Minnesota Commissioner of Public Welfare deems it necessary to consider adoption of the proposed rules captioned above pursuant to the authority vested in me by M.S. 1971.

NOW, THEREFORE, IT IS ORDERED this 5th day of November, 1973, that a public hearing on the proposed rules captioned above be held in the Veteran's Service Building, 20 West 12th Street and Columbus Avenue, Room D, St. Paul, Minnesota, Wednesday, December 5, 1973, commencing at 9:00 a.m. and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED, that notice of said hearing be given to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose and all persons who are presently members of the Minnesota Legislature.

STATE OF MINNESOTA
EXECUTIVE DIVISION



VERA J. LIKINS
COMMISSIONER

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed Adoption of Rules of the Minnesota Department of Public Welfare governing the administration of Per diem rates for Nursing Homes (Rule 49), grants-in-aid to residential facilities for mentally retarded and cerebral palsey (Rule 37), and cost reports of Health care facilities (Rule 151).

BEFORE VERA J. LIKINS
COMMISSIONER OF PUBLIC WELFARE

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held pursuant to Minn. Stat., Section 15.0412, Subd. 4 (1971), in the above-entitled matters in Room D, Veteran's Service Building, 20 West 12th Street and Columbus Avenue, St. Paul, Minnesota, 55155, on Wednesday, December 5, 1973, commencing at 9 a.m. and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard concerning the adoption of the proposed rules captioned above by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted without appearing at the hearing.

In order to facilitate a more orderly and efficient hearing, it is hereby requested that persons who will attend the hearing notify the Commissioner and submit prepared statements or briefs by Tuesday, December 4, 1973. This request is not a requirement, nor will it limit any person's opportunity to be heard or submit statements during or after the hearing. Oral comments on the proposed rules will be taken in the order that the rules are listed above.

Copies of the proposed rules are available upon request to Department of Public Welfare, Centennial Office Building, St. Paul, Minnesota 55155.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

Vera J. Likins

Dated: November 5, 1973

Vera J. Likins, Commissioner

PUBLIC WELFARE

Blade, Joe -Mpls Star, 425 Portland Ave., Mpls

Central Minnesota Mental Health Center, 215 S. 3rd Ave., St. Cloud

Community Mental Health Board of the Northern Pines Mental Health Cente
103-105 1st St. S.E., Little Falls

Curtis, Dr. E. Louise, Prof. Education, U of M, Morris 56267

Duluth Mental Hygiene Clinic, 1112 E. Superior St., Duluth

Goldberg, Paula, 5315 James Ave S., Mpls. 55419

Kurtz, Mrs. Kirsten, Minn. Nurses Assn., 1821 Univ Ave., St. Paul 55104

Legal Aid Society, 501 Park Ave., Minneapolis 55415

Local #34, AFSC & ME, Box 2016, Commerce Sta., Minneapolis 55415

Lutheran Soc.Service,Attn.H.L.Paulsen, 2414 Park Ave S, Mpls. 55404

Minneapolis & Hennepin County Mental Health Clinic, 619 S. 5th St.,Mpls.

Minnesota Legislative Comm. of Blind, 1605 Eustis, St. Paul 8

Minn. State Pharmaceutical Ass'n., 2388 Univ. Ave., St. Paul 4

Moratzka, Timothy, 1304 Vermillion St., Hastings 55033

Neff, Dr. Walter S., Virginia

Northland Mental Health Center, 415 S. Pokegema, Grand Rapids

Public Relief, BD. of Public Welfare, Attn.Dir.Jensen,250 S. 4th St.,
Mpls.55415

Southwestern Mental Health Center, 306 N. McKenzie St., Luverne

Upper Mississippi Mental Health Center, Attn: Dr. Howard C. Reid, 510
Beltrami Ave.

Veterans' Affairs, Veterans Service Bldg., St. Paul

Vilmer, Sally, 2026 Bradley St., St. Paul 55117 (Day Care only)

Welfare Rights Organization, c/o Stephen Parsons, 1118 Newton Ave. N.
Minneapolis55

West Central Mental Health Center, 323 W. 6th St., Willmar

NURSING HOMES ONLY

TEST PATTERN TEST PATTERN	ADDRESS TEST ADDRESS	CITY TESTCITY	MN55555
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ALBERT, AA CALDER CORP	366 JACKSON ST	ST PAUL	MN55101
ALLEN CLAUDE H	1200 N W BK BLDG	ST PAUL	MN55101
ALTMAN MILTON H	707 DEGREE OF HONOR BLD	ST PAUL	MN55101
AM CAMPING ASSN MRS LEACOCK	1235 BRIGHTON SQ	NEW BRIGHTON	MN55112
AM INST PROF GEOLOGISTS	2201 PRINCETON AVE	ST PAUL	MN55105
ANDERSON HERBERT	418 8TH ST. SO.	VIRGINIA	MN55792
ANDERSON JAMES	7703 NORMANDALE RD	MPLS	MN55435
ANTHONY R.S. E.L.M.	1222 FOURTH ST. S.E.	MINNEAPOLIS	MN55414
ARMOUR AND COMPANY	UNION STOCK YARDS	SO ST PAUL	MN55075
ARVER JOHN A	2467 COHANCY	ST PAUL	MN55113
ASMUSSEN, DENNIS, MPIRG	3036 UNIV AVE SE	MPLS	MN55414
ASSOCIATED INDUST OF MPLS	NATIONAL BLDG	MPLS	MN55402
ASSN OF MINN COUNTIES	55 SHERBURNE AVE #203	ST PAUL	MN55103
AUTOMOBILE MFRS ASSN INC	55 SHERBURNE AVE	ST PAUL	MN55103
BADALICH JOHN P	2025 THOMPSON AVE	SO ST PAUL	MN55075
BARRETT FRED	ST LOUIS CO COURT HOUSE	DULUTH	MN
BARTHOLOW HAROLD E FIRE CHF	1327 COON RAPIDS BLVD	COON RAPIDS	MN55433
BECKLIN ROBERT C	447 N W 4TH	CAMBRIDGE	MN55008
BEECHER EVERETT	10 10 1ST ST SO	HOPKINS	MN
BEMIDJI STATE COLLEGE	PLACEMENT BUR. J.C.BRADY	BEMIDJI	MN56601
BENSONI PETER USW OF AM.	609 PROVIDENCE BLDG.	DULUTH	MN
BERGERUD ALF	300 ROANOKE BLDG	MPLS	MN55402
BEST FLANAGAN ET AL	1ST NATL BANK BLDG	MPLS	MN55402
BEUTEL ROBERT	BOX 1205	ST CLOUD	MN56301
BREHL JAMES W	332 HAMM BLDG	ST PAUL	MN55102
BROEKER JOHN M	2850 METRO DR SUITE 513	BLOOMINGTON	MN55420
BROOKS WILLIAM F JR	854 MIDLAND BK BLDG	MPLS	MN55401
BROWN D M GOODRIDGE PUB SCH	IND DIST #561	GOODRIDGE	MN56725
BRUBACHER RICHARD COMM ADM	208 ADM BLDG	ST PAUL	MN55101
BRUNING C.R.DEPT.CLINIC.EXP.	BURTON HALL	MPLS.	MN55455
BURGER ALBERT	600 DEGREE OF HONOR BLD	ST PAUL	MN55101
BUR.ENGR.IND.DIV. MR.KIBIGER	219 N. 2ND ST.	MPLS.	MN
BUR NATL AFFAIRS INC	1231 25TH ST NW	WASHINGTON	DC20037
CARPENTER MRS MARY LEE	DOW CHEMICAL 47 BLDG	MIDLAND MICH.	48640
CARRISON DALE K	MANKATO STATE COLLEGE	MANKATO	MN56001
CENTRAL BUSINESS DATA	BENSON RADIO ARCADE BLD	BENSON	MN56215
CHAMBER OF COMMERCE	30 SO 1ST AVE EAST	ELY	MN55731
CHAMBERLAIN JOHN L	PO BOX 241	MPLS	MN55440
CHAMBERLAIN WARREN D	887 SW 4TH AVE	FARIBAULT	MN55021
CHERCHES CHRIS CITY MGR	5005 MTKA BLVD	ST LOUIS PARK	MN55416

CHRISTIAN SCI COMM ON PUB	1821 UNIV AVE SUITE 271	ST PAUL	MN55104
CITY CLERK	386 CITY HALL	ST PAUL	MN55102
CLARKSON J.B.	2350 I.D.S. CENTER	MINNEAPOLIS	MN55402
COLEMAN NICHOLAS D	700 LINWOOD AVE	ST PAUL	MN55105
COLLIN LAURENCE	RT 2	ISANTI	MN55040
CONCORDIA COLLEGE	DEAN	MOORHEAD	MN56560
CONSUMER SERVICES DEPT COMM	230 STATE OFF BLDG	ST PAUL	MN55101
CROW WING CO PLANNING & ADV	COURT HOUSE	BRAINERD	MN56401
CUSHMAN J S DAYTON HUDSON	700 NICOLLET MALL	MPLS	MN55402
DANFORTH & ALLEN	731 NW BANK BLDG	MPLS	MN55402
DANKERS, KENNETH	1200 WEST FOURTH STREET	RED WING	MN55066
DANIELSON RODNEY L	418 AUDITORIUM	ST PAUL	MN55102
DAVIS HENRY	6301 SHINGLE CREEK	BROOKLYN CTR	MN55429
DAYTON CHAS. SIERRA CLUB	555 WABASHA	ST PAUL	MN55102
DISPATCH PIONEER PRESS	PRESS RM STATE CAPITOL	ST PAUL	MN55101
DORSEY MARQUART	2400 1ST NATL BANK BLDG	MPLS	MN55402
DOUGLASS BELL	525 OSBORN BLDG	ST PAUL	MN55102
DOYTON MAURICE, MET SEWER BD	350 METRO SQ BLDG	ST PAUL	MN55101
DUDLEY E H	RT 7 BOX 122	EXCELSIOR	MN55331
DUNN OLIVER PLUMBERS LOC 15	708 SO 10TH ST	MPLS	MN55404
EBELING EDWARD H.	161 W. MAIN	PERHAM	MN56573
EDINA FIRE D JAMES MCNELLIS	4801 W 50TH ST	EDINA	MN55424
ELDRED R W ARMOUR & CO	UNION STOCK YARDS	SO ST PAUL	MN55075
ELMER EDWIN W	2901 PLEASANT AVE	MPLS	MN55408
EMERICK RICHARD A	1908 IDS CENTER	MPLS	MN55402
EMP HANDICAPPED PERSONS COMM	527 JACKSON RM 227	ST PAUL	MN55101
ERNEST K LEHMANN & ASSOC.	1409 WILLOW ST.	MPLS	MN55403
ESSE KENNETH	4801 W 50TH ST	EDINA	MN55424
EVANS CHAS.L. PRENTICE-HALL	ENGELWOOD CLIFFS	NEW JERSEY	
EVERETT JERRY NW PETRO ASSN	512 NICOLLET MALL RM917	MPLS	MN55402
EWALD DOUGLAS MINN HOSP ASSN	2333 UNIV AVE SE	MPLS	MN55414
EWING MRS WM	42 ASTAR RD	BABBITT	MN55706
FAEGRE & BENSON ATTN LIBR	1260 NW BANK BLDG	MPLS	MN55402
FELHABER R S	W 1ST NATL BANK BLDG	ST PAUL	MN55101
FINLEY JAMES F	920 MINN BLDG	ST PAUL	MN55101
FINNEGAN J.R.	55 E. 4TH	ST.PAUL	MN55101
FLEMING FREDERICK A	1860 HIGHLAND PARKWAY	ST PAUL	MN55116
FITZGERALD DR BOB	3007 LYNDALE AVE SO	MPLS	MN55408
FORBES GORDON MINN RRS ASSN	207 UNION DEPOT	ST PAUL	MN55101
FOX W.E. LINDQUIST & VENNUM	4200 IDSCTR 80 S.8TH ST	MINNEAPOLIS	MN55402
FRANKLIN ROBERT B MPLS TRIB	426 PORTLAND	MPLS	MN55415
FURLONG DR JOHN	RT 1	BOVEY	MN55709
F W WOOLWORTH CO	3316 W 66TH ST	EDINA	MN55424
GALVIN M J JR	W2162 1ST NATL BK BLDG	ST PAUL	MN55101
GAS HUT INC	4940 VIKING DR	MINNEAPOLIS	MN55435
GIEL DAVID	RM.B-28 STATE CAPITAL	ST PAUL	MN55155
GLEN. HILLS HOSP.R.VAN HAUER	3901 GOLDEN VALLEY RD.	MPLS.	MN55422
GODIN RALPH J	3824 47TH AVE SO	MPLS	MN55406
GREEN DEL CITY MGR	BLOOMINGTON CITY HALL	BLOOMINGTON	MN55431
GUSTAFSON MRS D MINN VET MED	24 S 6TH ST	MPLS	MN55402
GUSTAFSON WALLACE	BOX 567	WILLMAR	MN56201
HARVEY MICHAEL	1390 W M HAHA PKWY	MPLS	MN55409
HALLBERG LEE & MCCABE	4927 34TH AVE S	MPLS	MN55417
HAYES, THOMAS W	700 SELLWOOD BLG	DULUTH	MN55812

HESS DONALD MIDWEST PLANNING	2101 HENN BLDG	MPLS	MN55405
HARTFELDT WILL	415 HAMM BLDG 6TH ST	ST PAUL	MN55102
HEAD & TRUHN	1007 SOO LINE BLDG	MPLS	MN55402
HENN CO WELFARE BRD RM 26	COURT HOUSE	MPLS	MN55415
HILL JIM ASSOC.MILK PROD.	7850 METRO PARKWAY	MINNEAPOLIS	MN55420
HOPKINS WM.B. DIR.MISCCA	3915 GOLDEN VALLEY ROAD	GOLDEN VALLEY	MN55422
HOULE MELVIN	881 W HWY 96	SHOREVIEW	MN55112
HOUSE APPROPRIATIONS COMM	RM 109 STATE CAPITOL	ST PAUL	MN55101
HOUSE ED STANDING SUB COMM	RM 109 STATE CAPITOL	ST PAUL	MN55101
HULSTRAND ANDERSON & LARSON	PO BOX 130	WILLMAR	MN56201
HUMAN RIGHTS DEPT	60 STATE OFF BLDG	ST PAUL	MN55101
HUNT MRS CHAS L MECCA	26 E EXCH CENTRAL MANOR	ST PAUL	MN55101
HUNT JAMES P JR	11470 GALTIER DR	BURNSVILLE	MN55378
HUTCHISON R.M. ANOKA CO.COMP	COURT HOUSE	ANOKA	MN55303
INGEBRIGTSEN DR K H	23 SE 4TH ST	MPLS	MN55414
INGVALSON VERN MN.FARM BUR.	3110 WOODDALE DR PO 3370	ST PAUL	MN55165
INS FED OF MINN	902 SOO LINE BLDG	MPLS	MN55402
IUOE LOC 49 CHAS SWENSON	2580 UNIV AVE	ST PAUL	MN55101
IVERSON DR JOS DEPT ED	ST OLAF COLLEGE	NORTHFIELD	MN55057
JACKMAN DONALD G	4023 E LAKE ST	MPLS	MN55406
JENOS INC	525 LAKE AVE SO	DULUTH	MN55801
JENSEN CARL A	127 E MAIN ST	SLEEPY EYE	MN56085
JOHNSON M.D. FRUNDT & FRUNDT		BLUE EARTH	MN56013
KABLE RICHARD W		BETHEL	MN55006
KANE ANTHONY	LAW DEPT BUR RWY CO	ST PAUL	MN55101
KING, TIMOTHY	3333 OAKLAND AVE S	MPLS	MN55407
KLUZ STEVEN J	1910 1ST NATL BK BLDG	MPLS	MN55402
KNOWLES, LARRY D	8025 33RD AVE N	CRYSTAL	MN55427
KNUTSON DR KEITH,BIOLOGY DPT	ST CLOUD STATE	ST CLOUD	MN56301
KOLLER MR & MRS ERWIN A	1568 DULUTH ST	ST PAUL	MN55108
KOPP MRS VERNON	2050 65TH ST E	INVER GR HGHT	MN55075
LAKE SUPERIOR INDUSTRIAL BUR	828 FIRST AM. BK. BLDG.	DULUTH	MN55802
LAPP LAZAR LAURIE ET AL	1200 BUILDERS EXCHANGE	MINNEAPOLIS	MN55402
LARSON C L	3800 MINNEHAHA AVE SO	MPLS	MN55406
LARSON HANS P DIV HOSP SERV	717 DELAWARE ST SE	MPLS	MN55440
LAUNDERERS&DRY CLEANERS ASSN	NW 1ST NATL BK BLDG	ST PAUL	MN55101
LEAGUE MINN MUNICIPALITIES	314 SOC SCIENCES BLDG	MPLS	MN55455
LINDALL & JONATHAN DEVELOP.	VILLAGE ONE CENTER	CHASKA	MN55318
LOCKNER GARY	R R 1 BOX 23	BAUDETTE	MN56623
LOOS CALVIN J	6809 LYNDALE AVE SO	MPLS	MN55423
MCKIBBON MRS SHIRLEY	11 EVERGREEN LN	BABBITT	MN55706
MCLELLAN LARKIN	215 ADM BLDG ST CAPITOL	ST PAUL	MN55101
MALONE E I COMM LABOR & INDU	444 LAFAYETTE RD 5TH FL	ST PAUL	MN55101
MANKATO STAT STUDENT SENATE	CENTENNIAL STUDENT UN	MANKATO	MN56001
MANTHEY T J PICKANDS MATHER	2000 UNION COMM BLDG	CLEVELAND	OH44115
MASTOR MATTSON HART ET AL	414 ROANOKE BLDG	MPLS	MN55402
MAUL WARREN E	320 S 4TH ST	MPLS	MN55415
MECCA R.F. NELSON	26 E EXCHANGE ST	ST PAUL	MN55101
MEIEROTTO, JOAN	1794 SO LEXINGTON	ST PAUL	MN55118
MERRITT GRANT POLLUTION CONT	OAK & DELAWARE	MPLS	MN55440
MET TER MEN ASSN A ROSENTHAL	1821 UNIV AVE	ST PAUL	MN55104
MPLS STAR PRESS ROOM	STATE CAPITOL	ST PAUL	MN55101
MPLS TRIBUNE CITY DESK	425 PORTLAND AVE	MPLS	MN55415

MINN APT ASSN	GRIGGS-MIDWAY BLDG	ST PAUL	MN55104
MN. ASN.C&IND H.D.PETERSON	480 CEDAR ST.	ST.PAUL	MN55101
MINN AFL-CIO, L O LA SHOMB	414 AUDITORIUM ST	ST PAUL	MN55102
MINN ASSN COOPERATIVES	55 SHERBURNE AVE	ST PAUL	MN55103
MINN ASSN ELEC COOPERATIVES	4901 W 77TH ST	MPLS	MN55435
MINN. ASSN. PET RETAILERS	1115 2ND AVE. SO.	MINNEAPOLIS	MN55403
MINN AUTOMOBILE DEALERS ASSN	GRIGGS MIDWAY BLDG	ST PAUL	MN55104
MINN BD PODIATRY EXAM & REG.	1111 W 2ND ST.	CROOKSTON	MN56716
MINN COUNCIL STATE EMP NO 6	475 RICE ST	ST PAUL	MN55103
MINN DEPT HEALTH J C MCKASY	717 DELAWARE S E	MPLS	MN55440
MINN DENTAL HYGIENISTS	5041 YVONNE TERRACE	MPLS	MN55436
MINN ELECTRICAL ASSN INC	525 SO 7TH	MPLS	MN55415
MINN ENV CONTROL CITIZEN ASN	CENTRAL MANOR 26 E EXCH	ST PAUL	MN55101
MINN ENV LAW INST INC	PO BOX 15076 COMM STA	MPLS	MN55415
MINN FARMERS UNION PRES OFF	1275 UNIV AVE	ST PAUL	MN55104
MINN FOOD RETAILERS ASSN	555 WABASHA	ST PAUL	MN55101
MINN. HOTEL & MTR. ASSN	2001 UNIVERSITY AVE	ST PAUL	MN
MINN HWYS MANAGEMENT SERVICE	410 HWY BLDG	ST PAUL	MN55101
MINN HOUSING INST N T CARTER	7801 METRO PKWY	MPLS	MN55420
MINN LP GAS ASSN	7515 WAYZATA BLVD 106	MPLS	MN55426
~~MINNESOTA MASONRY ASSOC.~~	~~8053 BLOOMINGTON FREEWAY~~	~~MPLS~~	~~MN55420~~
MINN.MTR.TRANSP. .J.N.DENN	1821 UNIV.	ST.PAUL	MN55104
MINN PETROLEUM COUNCIL	446 BUILDERS EXCH BLDG	MPLS	MN55402
MINN POULTRY & HATCHERY ASSN	BOX 158	MADELIA	MN56062
MINN PUB INT RES DAYTON	2418 UNIV AVE SE	MPLS	MN55414
MINN RESTAURANT ASSN	2001 UNIVERSITY AVE.	ST PAUL	MN55104
MINN RETAIL FEDERATION	7600 PARKLAWN STE 457	MPLS	MN55435
MINN RETAIL HARDWARE ASSN	3033 EXCELSIOR BLVD 313	MPLS	MN55416
MINN SCH BUS OPERATORS ASSN		FARIBAULT	MN55021
MINN SOCIETY ARCHITECTS AIA	NW NATL BK BLDG	ST PAUL	MN55101
MINN SOC CERTIFIED PUB ACCTS	1102 WESLEY TEMPLE BLDG	MPLS	MN55403
MINN STATE BAR ASSN	100 MINN FED BLDG	MPLS	MN55402
MINN ST BD PHAR P G GRUSSING	1965 FORD PKWY	ST PAUL	MN55116
MINN STATE CAPITOL EMP UNION	PO BOX 3215	ST PAUL	MN55165
MINN STATE MED ASSN	375 JACKSON ST	ST PAUL	MN55101
MINN STATE OPTOMETRIC ASSN	333 E HENNEPIN AVE	MPLS	MN55414
MINN STATE RETIREMENT SYSTEM	529 JACKSON ST	ST PAUL	MN55101
MINN.TURKEY GROWERS ASSN	2383 UNIV AVE	ST PAUL	MN55114
MINN WATER RESOURCES BD	RM 206 555 WABASHA&ST	ST PAUL	MN55102
MINN-WISC BOUNDARY AREA COMM	600 2ND ST	HUDSON	WI54016
MOFFITT R.C. DIR.ENV.CONTROL	MPLS.CITY HALL RM 301M	MPLS	MN55415
MOOD R BLOOMINGTON HLTH DEPT	10200 PENN SQ	BLOOMINGTON	MN55431
MOONEY, MICHAEL A.	BOX 903, ST.JOHN'S UNIV	COLLEGEVILLE	MN56321
NASS GEO V HENN CO GEN HOSP	5TH AND PORTLAND AVE	MPLS	MN55415
NATL COUNCIL JEWISH WOMEN	4330 CEDAR LK RD	MPLS	MN55416
NATL FAMILY INS CO	2147 UNIV AVE	ST PAUL	MN55114
NAT'L SOLID WASTES-R. GRASSO	1730 RHODE ISLAND AV.NW	WASHINGTON	DC20036
NCEC INC C/O DR DAHLBERG	CONCORDIA COLLEGE	MOORHEAD	MN56560
NELSON DONALD E NSP CO	414 NICOLLET AVE	MPLS	MN55401
NEUMAN RALPH W	RT 2 BOX 125	EMBARRASS	MN55732
NIELSEN STOCK & BLACKBURN	415 730 BLDG	MPLS	MN
NORTH CENTRAL ELEC ASSN	PO BOX 202	BATTLE LAKE	MN56515
NOBLES COUNTY FARM BUR ASSN	710 10TH ST	WORTHINGTON	MN56187
NW COUNTRY ELEVATOR ASSN	802 GRAIN EXCH BLDG	MPLS	MN55415
NURSING HOME ADMRS BD EXAMRS	277 W UNIV AVE	ST PAUL	MN55103
NW BELL TEL CO LEGAL DEPT	224 S 5TH ST RM 2000	MPLS	MN55402
NYQUIST DEAN A	3707 53RD PL N	BROOKLYN CTR	MN55429

O'BRIEN J.DENNIS	1200 1ST NATL.BANK BLDG	MINNEAPOLIS	MN55402
OCONNELL THOMAS	941 LAUREL	ST PAUL	MN55104
OCONNOR GREEN THOMAS ET AL	845 NW BANK BLDG	MPLS	MN55402
OFFICE OF THE GOVERNOR	130 STATE CAPITOL	ST PAUL	MN55101
OHMAN W C NATL ELEC CONTRS	608 AM NATL BK	ST PAUL	MN55101
OLD COLONY GAS & OIL COMPANY	17TH AVE N AT 2ND ST	MPLS	MN55411
OTTER TAIL POWER CO.	215 S. CASCADE ST.	FERGUS FALLS	MN56537
PATTISON ORVIS	BOX 645	WILLMAR	MN56201
PAYNE COL ALVIN		DEGRAFF	MN56233
PETERSEN JOHN W	525 OSBORN BLDG	ST PAUL	MN55102
PHAR MFGRS ASSN WM D PATTON	1155 15TH ST NW	WASHINGTON DC	DC20005
PHILLIPS LEGISLATIVE SERVICE	113 W UNIV AVE	ST PAUL	MN55103
POPOVICH PETER S	314 MINN BLDG	ST PAUL	MN55101
PORTER LYLE O		TRACY	MN56175
PORT AUTH CITY OF ST PAUL	330 MINNESOTA BLDG	ST PAUL	MN55101
PRAUSE JOS.C.	2220 105TH AVE.N.W.	COON RAPIDS	MN55433
PULSCHER RBT SPRINGSTED INC	813 OSBORN BLDG	ST PAUL	MN55102
RACHNER MARY JANE	1917 PINEHURST AVE	ST PAUL	MN55116
RED OWL STORES INC	215 E EXCELSIOR AVE	HOPKINS	MN55343
RENNER R.H. ST PAUL AREA CC	300 OSBORN BLDG.	ST PAUL	MN55102
RAMSEY CO MEDICAL SOCIETY	1500 LOWRY MEDICAL BLDG	ST PAUL	MN55102
RICHARDS MONTGOMERY ET AL	1430 RAND TOWER	MPLS	MN55402
ROBBIE JOSEPH	904 CARGILL BLDG NO CTR	MPLS	MN55402
ROBERTS DAVID E	1260 NW NATL BK BLDG	ST PAUL	MN55101
ROCHE T E	5007 FREMONT AVE S	MPLS	MN55419
ROSS ALFRED	6356 WARE RD	LINO LAKES	MN55014
SAN SIMEON DEVELOP CORP	OLD 1ST STATE BK BLDG	PAYNESVILLE	MN
SATHRE, HARVEY	77 SHERBURNE	ST PAUL	MN55103
ST PAUL ASSN PLBG HTG MECH	614 AM NATL BK	ST PAUL	MN
ST PAUL BUR HLTH DR P COX	555 CEDAR ST	ST PAUL	MN55101
ST PAUL FOOD RETAILERS ASSN	1220 ARCADE	ST PAUL	MN55106
SCARBOROUGH WILLIAM	DIV.ED. U.M.	MORRIS	MN56267
SCHMIDT H W TCHRS RETIREMENT	302 CAPITOL SQ BLDG	ST PAUL	MN55101
SCHMIDT LARRY WCCO-TV NEWS	50 S 9TH ST	MPLS	MN55402
SCHWINN ROBT.P.	1400 SOO LINE BLDG.	MPLS.	MN55402
SCHNEIDER & NEESER	706 1ST ST SO PO BX 876	WILLMAR	MN56201
SCHROEDER ALFRED H	2172 CARROLL AVE	ST PAUL	MN55104
SEARS ROEBUCK & CO	2929 ELLIOT AVE D 703MW	MPLS	MN55401
SENATE COUN OFF J ST MARIE	STATE CAPITOL	ST PAUL	MN55101
SENATE FINANCE COMMITTEE	113 STATE CAPITOL	ST PAUL	MN55101
SHABATURA EUGENE H	2833 LAKE AVE SO	DULUTH	MN55811
SHAW ROBERT M	616 MOBIL OIL BLDG	MPLS	MN55402
SHELL OIL CO. W.A. ROQUET	ONE SHELL PLAZA BX 2463	HOUSTON	TX77001
SHINER JOHN T.	297 GOODRICH AVE	ST PAUL	MN55102
SKELLY OIL CO R R WELLINGTON	PO BOX 436	KANSAS CITY	MO
SMERIKA WN.	BOISE CASCADE PAPERS	INTL FALLS	MN56649
STATE BD.BARBER EXAMINERS	555 WABASHA	ST PAUL	MN55102
STATE BD VETERINARY EXAMINER	C/O DR A C SPANNAUS DVM	WACONIA	MN
STD AM LIFE & ANNUITY CO	3801 W 50TH ST	MPLS	MN55410
STENSLAND M.E. PRES. MVMA	203 NW 22ND ST.	AUSTIN	MN55912
STUPKA & MOREM	MIDTOWN BLDG	AUSTIN	MN55912
SUMMIT NATL BANK D L MORRILL	205 AURORA AVE	ST PAUL	MN55103
SUSSEL CO.ATTN:TED SCHWENKER	1850 COMO AVE.	ST PAUL	MN55108
SWANSON BURT E	W-2162 1ST NATL BK BLDG	ST PAUL	MN55101
SWANSON GERALD H	212 CITY HALL	ROCHESTER	MN55901

TWIN CITY RETAIL DRUGGIST AS	2388 UNIV AVE	ST PAUL	MN55104
UNION STOCK YARDS	ATTN PRES	SO ST PAUL	MN55075
VAN CLEVE JOHN H	2101 HENN AVE	MPLS	MN55405
VERRILL JOHN E	DEPT SECONDARY ED UOF M	DULUTH	MN55812
VILLAGE OF WOODBURY-F.STRONG	561 TOWER DRIVE	NEWPORT	MN55055
VOGEL HOWARD G	814 FLOUR EXCH BLDG	MPLS	MN55415
VOLDNESS PERRY	IDS 8TH & MARQUETTE	MPLS	MN55402
WELLS G W INS FED OF MINN	RT 4 BOX 194	WAYZATA	MN55391
WEST & GOWAN	ATTORNEYS AT LAW	PINE ISLAND	MN55963
WEST MIDWAY-SO.ST ANTH.PK.AS	898 RAYMOND AVE.	ST PAUL	MN55114
WHITLOCK A G	ECON LAB OSBORN BLDG	ST PAUL	MN55102
WM.MITCHEL COLLEGE LAW LIB.	2100 SUMMIT AVE.	ST.PAUL	MN55105
WIS FEEDER PIG MARKET CO-OP		FRANCIS CREEKWI	
WOLKERSTORTER THEODORE	676 17TH AVE NW	NEW BRIGHTON	MN55112
WOZNIAK D D	828 MINN BLDG	ST PAUL	MN55101
WYANT CLINTON W ATTY		ATKIN	MN56431
ZATARGA A E CPA	1800 MIDWEST PLAZA BLDG	MPLS	MN55402

MINN REP STATE Cen Comm 4900 Viking Dr. Mpls MN 55435

MILLER Tom	2311 Pillsbury Ave So	Mpls	55404
CARLSON CARL	7516 80th St. S.	Cottage Grove	55016
RANALLO, CLARENCE	800 Central Ave NE	Mpls.	55413
ANCHOR BLOCK CO.	P.O. Box 3360	St. Paul	55165
DIEHL John	1100 1st Natl Bank Bldg.	Mpls	55402
DAYTON Chas Sierra Club	4120 Roanoke	Mpls	55407
MINN ASSN WATERSHED Dists		Ada	56510
FLETCHER Ronald	7900 Xerxes Ave So	Mpls	55431
KANE Anthony	176 E. Fifth St.	St. Paul	5510
BARKER KENT	5100 34th Ave So	Mpls	55420
BRIGGS & MORGAN-BERIEL	2200 W. 1st NATL BK BLDG	St. Paul	55101
COX & KING-	603 BUILDERS EXCH	Mpls	55403
ELDER, DR JAMES B	11210 WASHBURN AVE	Bloomington	55431
EGANATH, MARTIN-HONEYWELL	2701 4th Ave S.	Mpls	55408
KIMBALL, ROBERT	647 Cap. Sq. Bldg.	St. Paul	5501
RICHARDSON, THOS	7351 Metro Pkwy S-103	Mpls	55419
SCHNEIDER MAHLON	GREEN GIANT	LE SUEUR	56058
SCHAPS, NICHOLAS	100 DAIN TOWER	Mpls	55402
STANSFIELD, ARLENE LAND O	PO Box 116	Mpls	55440
TIME-SAVERS INC ATT R S WALD	5270 HANSON COURT	Mpls	55437
WELK G.V. Northern States	414 Nicollet Mall	Mpls	55401
BELISLE, JON	2040 WILSON #28	ST. PAUL	55119
BRINGHAM R.M. III	R.R 4	Red Wing	55066
GEORGE K. GRANSE CO	1477 SELBY AVE	St. Paul	55104
LOWE, DOUG	2701 N. LEXINGTON AVE	Roseville	55113

AFFIDAVIT

ROSEMARY E. KRUMRIE, being duly sworn on oath deposes and says:

1. That she is an employee of the Executive Division of the Minnesota Department of Public Welfare.

2. That on the 30th day of October, she went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to M. S. 15.0412.

3. That on the 30th day of October, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Rosemary E. Krumrie
ROSEMARY E. KRUMRIE

Subscribed and sworn to before
me this 5th day of November, 1973

Lorraine C. Pfeiffer
LORRAINE C. PFEIFFER
Notary Public, Dakota Co. Minn.
My Commission Expires Sept. 29, 1979

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE VERA J. LIKINS
COMMISSIONER OF THE
DEPARTMENT OF PUBLIC WELFARE

In the matter of the Proposed Adoption of Rules of the Minnesota Department of Public Welfare governing the administration of Per diem rates for Nursing Homes (Rule 49), grants-in-aid to residential facilities for mentally retarded and cerebral palsey (Rule 37), and cost reports of Health care facilities (Rule 151).

AFFIDAVIT OF MAILING

ROSIE E. KRUMRIE, being first duly sworn, deposes and says:

That on the 5th day of November, 1973, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State as well as to all persons listed on the attached sheet as presently being members of the Minnesota Legislature.

Rosie E. Krumrie
ROSIE E. KRUMRIE

Subscribed and sworn to before me
this 7th day of January, 1974.

Notary Public, Ramsey County, Minn.
My Commission Expires, Nov. 4, 1977

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE VERA J. LIKINS
COMMISSIONER OF THE
DEPARTMENT OF PUBLIC WELFARE

In the Matter of the Proposed Adoption of Rules of the Minnesota Department of Public Welfare governing the administration of Per diem rates for Nursing Homes (Rule 49), grants-in-aid to residential facilities for mentally retarded and cerebral palsey (Rule 37), and cost reports of Health care facilities (Rule 151).

STATEMENT OF NEED

The above-captioned rules are new Rules 37 and 151, and amendments to Rule 49. The last time Rule 49 was amended was July, 1973.

The need to adopt these rules arises because of the enactment of Minn. Laws 1973, ch. 673, ch. 422 § 1, ch. 688 § 8, and because of the need to improve the methods for the submission of nursing home and health care facility records to the Commissioner.

Vera J. Likins

VERA J. LIKINS
Commissioner

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE VERA J. LIKINS
COMMISSIONER OF THE
DEPARTMENT OF PUBLIC WELFARE

In the Matter of the Proposed Adoption of Rules of the Minnesota Department of Public Welfare governing the administration of Per diem rates for Nursing Homes (Rule 49), grants-in-aid to residential facilities for mentally retarded and cerebral palsey (Rule 37), and cost reports of Health care facilities (Rule 151).

FINDINGS OF FACT

The above-entitled matter came on for hearing before JAMES J. HINIKER, Deputy Commissioner of the State of Minnesota, Department of Public Welfare on the 5th day of December, 1973, at 9:00 A.M., in Room D, Veteran's Service Building, 20 West 12th Street and Columbus Avenue, St. Paul, Minnesota, 55155, after proper notice required by Minn. Stat. 1971, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, I find the following:

Rule 37 implements Minn. Laws 1973, ch. 673. Rule 37 establishes standards necessary for the Commissioner of Public Welfare to make grants to aid in the purchase, construction and remodeling of community residential facilities for the mentally retarded and cerebral palsied persons.

The amendments to Rule 49 improve the existing standards for reporting and disclosure of financial information regarding nursing homes. The amendments to Rule 49 are made in pursuance of legislative

policy governing public access to governmental information, Minn. Laws 1973, ch. 422 §1.

Rule 151 implements Minn. Laws 1973, ch. 688 § 8. Rule 151 provides a system for financial reporting of all facilities licensed under provisions of Minn. Stat. §§ 144.50 - 144.58.

STATE OF MINNESOTA

JAMES J. HINIKER
Deputy Commissioner
Department of Public Welfare

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE VERA J. LIKINS
COMMISSIONER OF THE
DEPARTMENT OF PUBLIC WELFARE

In the matter of the Proposed Adoption of Rules of the Minnesota Department of Public Welfare governing the administration of Per diem rates for Nursing Homes (Rule 49), grants-in-aid to residential facilities for mentally retarded and cerebral palsey (Rule 37), and cost reports of Health care facilities (Rule 151).

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the Department of Public Welfare Commissioner of the State of Minnesota on the 5th day of December, 1973, at 9:00 a.m. in the Veteran's Service Building, 20 West 12th Street and Columbus Avenue, Room D, St. Paul, Minnesota, after proper notice required by M.S. 1971, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules identified as Nos. 37, 49 and 151 are adopted this 7th day of January, 1974, pursuant to the authority vested in me by M.S. 1971.

STATE OF MINNESOTA
EXECUTIVE DIVISION

Vera J. Likins

VERA J. LIKINS
COMMISSIONER

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE VERA J. LIKINS
COMMISSIONER OF THE
DEPARTMENT OF PUBLIC WELFARE

In the matter of the Proposed Adoption of Rules of the Minnesota Department of Public Welfare governing the administration of Per Diem rates for Nursing Homes (Rule 49), grants-in-aid to residential facilities for mentally retarded and cerebral palsey (Rule 37), and cost reports of Health care facilities (Rule 151).

STATEMENT OF COMPLIANCE WITH
MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Michael R. Saeger, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

Michael R. Saeger

MICHAEL R. SAEGER
Special Assistant
Attorney General

Dated: January 18, 1974

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TEL. (612) 854-5263

October 30, 1973

Mr. James J. Hiniker
Department of Public Welfare
4th Floor
Centennial Office Building
658 Cedar Avenue
St. Paul, Minnesota 55155

Dear Mr. Hiniker:

We have reviewed the proposed revisions of DPW Rule 49 which, as we understand it, will be subject to a public hearing sometime during the first part of December of this year. As you know, we are especially concerned with the proposed elimination of DPW Rule 4921 since its elimination could serve as a disincentive for providers to supply to the department confidential records which, for obvious reasons (including the fact that such records often reflect other than Rule 49 considerations), should not be made public. As we understand it, the department would prefer not to eliminate this rule, but has taken the position that the rule must be eliminated on advice from the attorney general's office.

We have spent a considerable amount of time researching the legal authorities in this area. In our opinion, the great weight of legal authority would support a position upholding the validity of the rule. The purpose of this letter is to set forth some of our legal research in an effort to get the department to reconsider the elimination of this rule.

The right to examine and inspect public records by a person having no interest therein does not exist at common law. 16 Dunnell's Minnesota Digest § 8309. Thus any right to review cost statements by outsiders must come from the statutes or such a right to review simply does not exist.

Minnesota Statutes section 15.17 is the most logical statute to rely upon as a justification for the elimination of DPW Rule 4921. Subdivision 4 of that statute provides, in pertinent part, as follows:

does the assume

> "Every custodian of public records shall keep them in such arrangement and condition as to make them easily accessible for convenient use, . . . Except as otherwise expressly provided by law, he shall permit all public records in his custody to be inspected, examined, abstracted, or copied at reasonable times and under his supervision and regulation by any person; . . ." [Emphasis supplied.]

The underlined portions of this statute are important in analyzing whether or not DPW Rule 4921 should be retained. If cost statements and supporting data filed by providers are not "public records" or if other laws prohibit their disclosure even if they are "public records" there is no basis for the repeal of DPW Rule 4921.

In the case of Kottschade v. Lundberg, 280 Minn. 501, 160 NW 2d 135 (1968), interpreting the above quoted statute, the Minnesota Supreme Court refused to allow public access to "field cards" used by real estate assessors in the valuation of houses. That case distinguishes between official activities and procedures which give rise to such activities. The former are public records subject to inspection and the latter are not. As noted by the Supreme Court in Kottschade:

> " In the instant case it is clear that the field cards contain information relating to the process by which an assessment is reached rather than information relating to the assessment itself." 160 N.W. 2d p. 138.

By analogy, Rule 49 cost statements and supporting data contain information relating to the process by which a rate is reached rather than information relating to the rate itself. Individual rates paid to individual facilities may be a public record, but the cost data giving rise to such a rate is not.

The Minnesota Supreme Court has also recognized that documentation provided to a state agency may be confidential and, as such, not a public record within the meaning of Minnesota Statutes section 15.17, subd. 4. In Minneapolis Star and Tribune Company v. State of Minnesota, et al, 282 Minn. 86, 163 N.W. 2d 46 (1968), the Minnesota Supreme Court refused to permit the Minneapolis Star and Tribune to examine records of the Minnesota State Board of Medical Examiners which were deemed to be confidential and not a public record.

The Rule 49 cost statements and accompanying data are clearly confidential records and have been represented as such by the Department of Public Welfare in requesting such data. Even more persuasive, however, is the language appearing in Minnesota Statutes section 256B.30, the statute requiring submission of the cost statements where it provides:

Only Protected Privileged info why

This is not about process but is kept in ord course of Business

> " The financial reports and supporting data of the facility shall be available for inspection and audit by the Commissioner of Public Welfare." [Emphasis supplied.]

The fact that the Legislature specified the Commissioner of Public Welfare is significant. Had it been the intent of the Legislature to permit inspection by the general public of cost statements, it would have been stated that way. In fact, the bill as introduced in the Legislature which gave rise to section 256B.30 provided:

> " The financial records and books of the nursing home shall be available for state inspection and audit." See section 9, House File 286 (Senate File 384), 1973 Minnesota Legislature.

Amendments were made to change "records and books" to "reports and supporting data" and to clarify that availability of the same would be made only to the Commissioner. It should be noted that the undersigned suggested these amendments in the interest of protecting confidentiality.

Thus, the case and statutory authorities support the position that cost statements and supporting data are not "public records" within the meaning of subdivision 4 of Minnesota Statutes section 15.17. In addition, even if in any way such cost statements and supporting data could be construed to be "public records", other laws prohibit disclosure of them outside the department. For example, Minnesota Statutes section 256B.30, discussed above, supports the position that cost statements and supporting data are not public records and, even if public records, should not be available for inspection. Other statutes are in accord with section 256B.30.

For example, the statute cited in DPW Rule 4921 itself, Minnesota Statutes section 393.07, subd. 4 supports the rule. That statute makes it clear that the Commissioner of Public Welfare ". . . shall make all finance records available for such examinations and audits as are required by law." [Emphasis supplied.] This statute clearly states that unless there is a law requiring disclosure of the Rule 49 statements and supporting data, disclosure shall not be made. We are not aware of any such law specifically requiring disclosure of records relating to Rule 49 cost statements. Section 393.07, subd. 4 was passed after Minnesota Statutes section 15.17 subd. 4, and it presumably would thus require additional statutory authority for disclosure over and above the general authority contained in Section 15.17, subd. 4.

Further, under Title XIX of the Social Security Act there is a requirement that a state plan provide ". . . safeguards which restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with the administration of the

plan. . . ." 42 U.S. Code Section 1396a (a)(7). The restrictions on disclosure contained in Rule 4921 comply with federal law and do protect the source of information on uses of funds under Medicaid for the State of Minnesota since applicant disclosure presumably would not be freely made if public disclosure was a result. Repeal of Rule 49 would presumably violate federal law.

In our opinion, Rule 4921 is fully supported by the authorities cited herein. Therefore, we would thereby respectfully request the Department of Public Welfare to reconsider its position of eliminating Rule 4921. If you have any further questions of the undersigned please do not hesitate to let us know. Thank you.

Very truly yours,

BROEKER, BACHMAN & ZERBY

By John M. Broeker
John M. Broeker

JMB:jp
cc: Mr. David E. Meillier
Mr. James Green
Mr. Rick Carter
Mr. Robert Rau
Mr. Thomas Fabel
Mr. Rholan Larson
Mr. Jack Brose
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January 22, 1974

Office of the Attorney General
State of Minnesota
Room 102 State Capitol Building
St. Paul, Minnesota 55155

Re: Department of Public Welfare Rule 49 Amendments

Gentlemen:

It is our understanding that the Minnesota Department of Public Welfare sent over to you proposed amendments to Rule 49, one of which amendments would repeal Rule 4921(i). Presumably, these rules were sent over to you for you to rule "as to form and legality" as required by Minnesota Statutes section 15.0412, subdivision 4.

In our opinion, the repeal of Rule 4921(i) is illegal as more fully discussed in the enclosed letter which is part of the hearing record. We would appreciate the opportunity to meet with you in regard to our legal objections as soon as possible. Please contact the undersigned in regard to this matter. Thank you.

Very truly yours,

BROEKER, BACHMAN & ZERBY

By John M. Broeker
John M. Broeker

JMB:jp
Encls.
cc: Mr. J. Patrick Wilcox
Mr. James Hiniker
Mr. Robert Rau
Mr. David E. Meillier
Mr. James I. Green
M.A.H.C.F. Executive Committee
Mr. Oiva Penttila