

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

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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 Health Dept
(Agency or Board)

Regulation No. MHD 234, 376, 451-460, 461-470

Subject: Fees for Copying records, Planning grants, awarding grants and Maternal and Child Nutrition

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

MAY 28 1976

BY Edo Flandenmyer
AUTH. SIGNATURE

Stamped and filed with the Secretary of State 5-28-76 1:25 PM 1:40 PM

Rev. 9-72

215

Richard A. Wexler
Assistant Attorney General

June 1, 1976

-Fees for Copying Agency Records,
HMO Grants, Maternal and Child Nutrition
Grants and General Grant Procedures

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Attorney General

Richard A. Wexler
Terry P. O'Brien
Special Assistant Attorneys General
Department of Health

April 15, 1976

Michael B. Miller
Special Assistant Attorney General

296-4692

In the Matter of the Proposed Rules Relating to Fee for Copying Agency Records and Files and to the Procedures, Criteria and Standards Applicable to Processing and Awarding Health Maintenance Organization Grants, Maternal and Child Nutrition Grants and Grants not Governed by Other Procedural Rules for Specific Grant Programs.

Returned herewith are the above-captioned rules. I note the following legal difficulties with these rules:

1. The Findings of Fact should include specific reference to evidence in the record that supports the findings made;

2. MHD 234(c) should be clarified by amending the words "copy" and "item" each to "page";

3. The enabling legislation (Minn. Stat. § 145.894) requires coordination with state and local agencies. The rules do not appear to provide for such coordination. In addition, two legislators pointed out in a written exhibit that MHD 462(b)(4) should include in its criteria conformity with a comprehensive state plan.

Finally, I note for the record the problem of failure to use an examiner from the Office of Hearing Examiners at the hearing. While this should have been done, the procedure followed was correct; in my judgment, therefore, no prejudicial error occurred.

MBM/sr

Enclosures

ADMIN 1000

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL-Health

Office Memorandum

TO : Michael B. Miller
Special Assistant
Attorney General
G-19 Administration Building

DATE: May 18, 1976

FROM : Richard A. Wexler
Assistant Attorney General

PHONE: 5370

SUBJECT: Submission for Approval of Board of Health Rules Relating to Fees for Copying Agency Records, HMO Grants, Maternal and Child Nutrition Grants and General Grant Procedures

On March 16, 1976, Terry O'Brien submitted to you, in my absence, the above subject rules for your review. After examining the rules and supporting documents, you returned them to me. Your cover memorandum of April 15, 1976, listed three areas of concern.

First, you requested that the Findings of Fact include specific references to evidence in the record that support the findings. The original findings has been removed from the material forwarded herewith and a new findings included which complies with your request.

Second, you asked that MHD 234(c) should be amended to clarify that the rule states a charge for each page photocopied. This was accomplished, as you suggested, by deleting the references to "copy" and "item" and inserting instead the word "page."

Finally, you commented upon the lack of any reference to coordination between state and local agencies and a comprehensive state plan in the Maternal and Child Nutrition Grants Rules. It is my understanding that Terry O'Brien has discussed these items with you to your satisfaction. Findings 35 and 19 and 36 respectively relate to these matters. In summary, however, these two matters are beyond the scope and purpose of this particular set of rules. Coordination between other agencies of government will be accomplished separately through execution of contracts with the agencies involved. The comprehensive state plan will be developed as a separate document.

Attached to this memorandum are five copies of all the rules as adopted by the Board of Health plus three copies of all required formal documents and one copy of the transcript and written comments. The Board had initially adopted the four sets of rules on March 11, 1976. Since MHD 234(c) relating to fees for copying of records had to be changed pursuant to your direction, the Board readopted the rule in its modified version on May 14, 1976. Consequently, I have added to the documents which were originally submitted to you a second Order Adopting Rule, Certificate of Board's Adoption of Rules Resolution, and Statement of Compliance with Manual of Rule Making Procedures. These all relate solely to MHD 234(c) as modified by the Board pursuant to your suggestion.

If you have any questions, please contact Terry O'Brien (5371) with respect to the Nutrition Grant Rules and me (5370) with respect to the three other sets of rules. It would be greatly appreciated if you could review these rules as soon as possible as the Department of Health is ready to award grants immediately upon filing of the rules.

RAW:cs

Attachments

RULE OF THE STATE BOARD OF HEALTH
RELATING TO FEES FOR COPYING RECORDS

The caption to Minn. Rule MHD 234 is amended to read:*

MHD 234 ~~Examination-Fees;-Renewal-and-Late-Licensing~~ Fees; for Examinations, Licenses, and Copying Records; License Expiration Dates.

MHD 234 is amended by adding section (c) as follows:

(c) Fees for Record Copying. Unless otherwise provided by law, the charge per copy of each page of Board or Department records, files, or other official documents shall be as follows:

(1) Fee for first copy of first page, $.50.

(2) Fee for each additional page requested at the same time, $.05.

*Additions are indicated by underline; deletions by ~~strikeout~~.

MINNESOTA DEPARTMENT OF HEALTH RULES
CHAPTER TWENTY-~~EIGHT~~ TWO

Rules for
Health Maintenance Organization
Planning Grants

MHD 376 is amended by deleting existing language in its entirety and adding in lieu thereof the following:

MHD 376 Planning Grants

(a) Submission of an Application.

(1) Applications shall be submitted on forms prescribed by the Board which shall address but need not be limited to:

(aa) Name and address of the applicant corporation and a copy of the corporation's Articles of Incorporation.

(bb) Names, addresses, occupations and place of employment of the members of the governing body of the applicant corporation.

(cc) Description of the proposed geographic area and population groups.

(dd) Objectives, work plans, methods and budget which would be used in the proposed project. The description of these items shall include but not be limited to the following four health maintenance organization planning elements:

(i) Proposed enrollee groups and system of market analysis.

(ii) Potential ability of the applicant to develop a viable and financially sound health maintenance organization.

(iii) Potential availability and cooperation of providers.

(iv) Proposed organizational structure of the health maintenance organization.

(ee) Applicant's description of the need for the project in the proposed geographic area or population groups.

(ff) Any other information which would be necessary to enable the Board to evaluate the application consistent with the provisions of this rule and any applicable legislation. Failure to submit all information requested may result in rejection of the application.

(2) Applications shall be submitted on or before deadlines prescribed by the Board. Such deadlines shall be announced by the Board at least thirty days prior to the date the application is due.

(3) Announcement of the application process and deadlines shall be made to individuals and groups including but not limited to Minnesota areawide comprehensive health planning agencies as defined in Minn. Stat. §145.72, Subd. 5, as amended, or any successor agency, Minnesota health maintenance organizations and other individuals and groups which have requested an application in writing within the last twelve months.

(b) Review of Application

(1) Applications shall be submitted by the Board for review and comment to any areawide comprehensive health planning agency or successor agency having jurisdiction over all or part of the proposed service area of the applicant. The review and comment report shall be considered by the Board as long as such report is made to the Board within sixty days from when the grant application was submitted to such agency. The agency report shall address at least the items covered in MHD 376(b)(2)(aa) to (ii), MHD 376(b)(3) and Minn. Stat. §62D.28.

(2) The Board shall consider the following factors in determining the organizations which shall receive planning grants, the amount of money to be awarded and the terms and conditions for issuance of such planning grants. The order of the factors has no priority significance.

(aa) Extent to which the applicant exhibits knowledge of activities necessary to develop a health maintenance organization.

(bb) Prospects for support from proposed enrollees.

(cc) Prospects for cooperation from area providers.

(dd) Qualifications of the persons responsible for the organization to conduct planning.

(ee) Unmet health needs of the proposed service area.

(ff) Consistency with other health planning goals in the community.

(gg) Ability of the organization to obtain additional or continued planning, development and operating funds.

(hh) Lack of other health maintenance organizations or of health maintenance organizations of this proposed organizational model in the geographic area.

(ii) Ability to comply with Minn. Stat. §62D.28 (1974).

(3) With respect to applications for continuation grants, in addition to the factors in the paragraph above, the Board shall consider the ability of the applicant to satisfactorily complete its stated objectives and the likelihood that continued state funding could contribute to development of a health maintenance organization.

(c) Awarding of Grants

Within ninety days of the deadline for submission of the application, the Board shall inform the applicant in writing of its decision and the reasons therefor. The award of grant monies shall be conditioned upon the applicant's compliance with MHD 376(d).

(d) Operation of Grant Projects

(1) No grant monies shall be distributed by the Board until the grantee complies with this section. If the applicant does not comply with this section within thirty days of receipt of the Board's decision to award the grant, the Board may revoke such award. Each grantee shall enter into a grant agreement with the Board which shall include but not be limited to the following assurances by the grantee:

(aa) The grantee shall maintain adequate fiscal control and fund accounting procedures including records pertaining to grant awards, obligations, unobligated balances and expenditures. Accounting records whall be supported by source documentation.

(bb) The Minnesota Department of Health and Minnesota Legislative Auditor shall be permitted access to records maintained in accordance with the grant project at any time either of these State agencies deems necessary.

(cc) The grantee shall agree to accept supervision, consultation and follow-up provided by the Minnesota Department of Health to accomplish the goals and objectives of the grant.

(dd) The grantee shall submit quarterly progress reports and financial reports according to a schedule and forms established by the Board.

(ee) The grantee shall maintain a policy and shall implement a procedure of equal employment opportunity in accordance with the State of Minnesota Affirmative Action Policy and Titles VI and VII of the Civil Rights Act of 1974. The grantee shall furnish information relative to the affirmative action policy and programs to the State upon request.

(ff) The grantee shall comply with all additional terms and conditions established by the Board which are consistent with the provisions of the Act and these rules.

(2) Prior approval from the Minnesota Department of Health shall be obtained for revision of objectives or the budget whenever:

(aa) The revision results in substantial change in the objectives of the grant-supported project.

(bb) The cumulative amount of transfers among/ between expense categories exceeds or is expected to exceed ten per cent of the grant budget.

(e) Termination of a Grant

(1) The Board may terminate any grant project if there is evidence of any one of the following:

(aa) Failure to comply with MHD 376(d).

(bb) Substantial inability to complete objectives and work plan described in the grantee's application.

(cc) Use of the State health maintenance organization planning funds for activities not described in the application or revisions approved by the Department.

(2) If a grant is to be terminated prior to the date originally specified in the grant award, the Board shall inform the grantee in writing of its intent to terminate the grant, giving the reasons therefor and the date on which termination will be effective.

MINNESOTA STATE BOARD OF HEALTH RULES

Rules Relating to Procedures for the Awarding of Grants Not Governed by Other Procedural Rules for Specific Grant Programs

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MHD 455-460 Reserved for Future Use

MHD 451. PURPOSE, SCOPE, AND DEFINITIONS

(a) Purpose of Rules. The purpose of these rules is to establish a process for allocating federal and state funds in the form of grants to assist in establishing and maintaining community health services.

(b) Scope of Rules.

(1) The Board administers a number of grant programs. Some programs are governed by separate procedural rules. These rules are intended to apply generally to all grants awarded by the Board which are not governed by other procedural rules for specific grant programs.

(2) The monies available for the grant awards governed by these rules come from both state and federal sources. These rules, therefore, do not prescribe the exclusive procedures and requirements applicable to grants governed by them but instead are in addition to any procedures and requirements specified in the enabling and authorizing laws establishing the grants programs and appropriating the money thereto, as well as any other applicable rules.

(c) Type of Grants. Grants shall be available for the following purposes:

(1) Planning for the development of a community health service agency or system.

(2) Demonstration of the appropriateness, effectiveness, or feasibility of developing a new community health service or for the integration of existing community health services.

(3) Support of projects for the delivery of community health services.

(d) Eligibility for Grants. Public funds in the form of grants are available to governmental and nonprofit agencies, institutions, and organizations for purposes described herein.

(e) Definition of Terms. The following terms used in these rules shall have the meanings given them:

(1) "Activity" means the tasks described in the grant application and approved by the Board for fiscal support.

(2) "Applicant" means the governmental or nonprofit private agency, institution, or organization which seeks and requests a grant award from the Board.

(3) "Application" means a written request for a grant award submitted by the applicant on forms provided by the Board pursuant to these rules and applicable statutes.

(4) "Award" means the authorization by the Board to a grantee to receive and expend public funds for an activity.

(5) "Board" means the State Board of Health and includes the Commissioner of Health and the Minnesota Department of Health. These rules shall be administered by the Secretary and Executive Officer of the Board.

(6) "Community Health Services" means those services designed to protect and improve the people's health within a geographically defined community by emphasizing services to prevent illness, disease, and disability, by promoting effective coordination and use of community resources and by extending health services into the community. These services include community nursing services, home health services, disease prevention and control services, family planning services, nutritional services, dental public health services, emergency medical services, health education, and environmental health services.

(7) "Fiscal Management Officer" means the chief fiscal officer of the grantee who has primary responsibility for the accountability for and reporting on grant funds.

(8) "Grantee" means that agency, institution, or organization which has received a grant award.

(9) "Local Match" means the grantee share of the cost of the funded

activity.

(10) "Notice of Availability" means a written announcement of the Board noting the availability of grant funds.

(11) "Project Director" means the official of the grantee responsible for the administration of the grant.

MHD 452. AVAILABILITY OF GRANT FUNDS AND APPLICATION PROCESS

(a) Notice of Availability. The Board shall mail a notice of availability to interested parties who have requested the Board in writing to be so notified. The notice of availability of grant funds shall include at least the following information:

(1) Specific purposes for which funds are available.

(2) The date and format of notice of intent to apply for a grant award.

(3) When applications shall be submitted to the Board.

(b) Notice of Intent. Interested parties shall notify the Board in writing of intent to apply for funds in accordance with the schedule and format specified in the Board's notice of availability of grant funds.

(c) Provision of Application Forms. Upon receipt of the notice of intent, the Board shall transmit application forms and instructions to the agency, institution, or organization submitting notice of intent.

(d) Submission of Application. Applications shall be submitted to the Board no later than the date specified in the notice of availability. Information addressed in the application shall include, but not be limited to the items noted below. The Board may request the submission of additional information consistent with these rules and any applicable legislation as well as information necessary to clarify matters already contained in the application. Such request shall be for the sole purpose of enabling the Board to fairly, adequately and completely evaluate the application to determine whether a grant should be

awarded. The Board may refuse to award a grant for failure of the applicant to submit requested additional information.

(1) Name and address of the applicant.

(2) Names of the project director and the fiscal management officer who will be responsible for the activity for which a grant award is sought.

(3) An activity description including at least the following:

(aa) Statement of the community health problem(s) to which the activity is addressed.

(bb) Statement of goal(s).

(cc) Objective(s) to be accomplished.

(dd) Methods by which each objective will be achieved.

(ee) Evaluation criteria to be used for periodic assessment of the activity.

(ff) Completed budget and budget justification.

(4) Identification of the significant health-related needs of the community along with an explanation of the way the proposed activity will affect these needs.

(5) Assurances of compliance with applicable state and federal laws pertaining to the administration of grants.

MHD 453. REVIEW OF APPLICATION AND DISPOISTION THEREOF

(a) Regional Review. The applicant shall submit one copy of the completed application form to the Board by the date specified in the notice of availability and to each of the health systems agencies and regional development commissions in the areas in which the funded activity will take place. Their findings shall be submitted to the Board in accordance with the time schedule specified in the notice of availability.

(b) Board Review.

(1) The Board shall review all applications in accordance with the time schedule specified in the notice of availability.

(2) The Board shall give consideration to the following criteria in determining which activities shall receive an award:

(aa) Probable Effectiveness. Evidence that the proposed activity will positively affect identified community health problem(s) in a cost effective manner.

(bb) Community Support. Evidence of coordinated planning and of community support including the level of local match available for the proposed activity.

(cc) Regional Review. The findings submitted by the regional review agencies.

(dd) Past Performance. The extent to which the grantee has met the goals and objectives of any activity previously funded by the Board.

(ee) Limitation of Funds. The amount of funding available for a specific type of grant.

(ff) Equity. Equitable distribution of grant funds throughout the state.

(gg) Quality of the Application. Clarity, specificity and completeness of the application.

(c) Disposition.

(1) The Board shall inform each applicant in writing that one of the following actions has been taken with respect to its application.

(aa) Approval of application as submitted and justification thereof.

(bb) Approval of application with modification and justification

thereof.

(cc) Conditional disapproval due to inadequate funds. These applications shall be held by the Board pending availability of additional funds.

(dd) Disapproval of application with justification.

(2) The Board's notice of award shall specify the amount of the award, source of funds, duration of the funding period, and such conditions as are necessary for assuring the appropriate use of public funds.

MHD 454. GRANT ADMINISTRATION

(a) Grant Monitoring. The Board shall designate a member of the Department staff to act as monitor for each grant awarded. The person designated shall provide technical assistance to the grantee and monitor progress toward the goals and objectives of the activity.

(b) Grantee Responsibilities. The grantee shall, in addition to fulfilling the goals and objectives of the activity:

(1) Comply with the terms of the grant and with the requirements of these rules and other applicable legislation.

(2) Maintain such records, including accounting records, as are necessary to make the required reports and to permit assessment of the activity by the Board.

(3) Assure that:

(aa) The treasurer or an official exercising similar functions for the grantee shall receive and provide for the custody of all funds paid to the grantee by the Board.

(bb) The local match reported is used only to match the specific grant award and not any other grant awarded by the Board or any other state or federal source.

(cc) Grant funds are used solely for the purpose outlined in the

grant award.

(dd) Accounting records are supported by source documents.

(ee) Audits are conducted to determine at a minimum the fiscal integrity of financial transactions and reports.

(4) Provide access to the Board to records relating to the funded activity.

(5) Provide progress reports in accordance with a schedule established by the Board.

(c) Grantee Disqualification. The Board may withhold or terminate funding to the grantee for failure to comply with the terms of the grant, with the requirements of the rules or applicable legislation, or for other just cause. The Board may require reimbursement of unauthorized expenditures identified by fiscal audit.

MHD 455 to 460 are reserved for future use.

RULES AS ADOPTED: RULES OF THE STATE BOARD OF HEALTH RELATING TO THE MATERNAL AND CHILD NUTRITION ACT OF 1975
MHD 461 to 470

MHD461 General Purpose and Definitions

(a) These rules are promulgated to establish procedures and criteria for those local organizations which seek funds from the Minnesota Board of Health in order to distribute nutritional supplements to mothers and children under these rules.

(b) Definitions

For the purposes of the Maternal and Child Nutrition Program, the terms in this section are defined as follows:

(1) "Act" means the Maternal and Child Nutrition Act of 1975 (Minnesota Laws 1975, Chapter 346).

(2) "Administrative costs" means all costs directly attributable to program operations, except expenditures for food.

(3) "Affirmative Action Program" is a program that meets state and federal laws which prohibit discrimination in employment, public service and public assistance.

(4) "Agency" means any local health agency as defined in the Act (Minnesota Laws 1975, Chapter 346, sec. 1, subd 2).

(5) "Applicant" means those local health agencies who have submitted program applications to the Board in accordance to these rules.

(6) "Birth weight" means weight of an infant determined within two hours of birth, or as soon thereafter as is practicable.

(7) "Board" means the Minnesota Board of Health and/or its agent, the Minnesota Department of Health.

(8) "Children" means persons at least one year of age but less than four years of age.

(9) "Competent professionals" means physician and/or registered nurses duly licensed by the State of Minnesota, or public health nutritionists, registered dietitians, or persons designated and supervised by one of the above as being competent to evaluate nutritional risk.

(10) "Certification process" means the method by which the grantee designates certified individuals in accordance with the criteria specified in MHD 463 (d) dealing with certification.

(11) "Certified individuals" means those persons who have been certified by the grantee as eligible to receive supplemental food and services pursuant to the program.

(12) "Grantee" means those agencies who have contracted with the Board to participate in the program.

(13) "Infants" means persons under one year of age.

(14) "Lactating woman" means any breast feeding individual who presents competent evidence of having been delivered of a surviving child within the 12 months immediately preceding the filing of an application for nutritional supplements.

(15) "Low birth weight" means a birth weight less than 2,500 grams.

(16) "Low income" means a gross annual income at or below the following:

$ 4,652 for a single person
$ 6,083 for a family of two (2)
$ 7,515 for a family of three (3)
$ 8,947 for a family of four (4)
$10,378 for a family of five (5)
$11,810 for a family of six (6)
$12,078 for a family of seven (7)
$12,346 for a family of eight (8)
$12,615 for a family of nine (9)
$12,883 for a family of ten (10)

(17) "Nutritional risk" means in addition to those items specified in the Act (Minnesota Laws 1975, Chapter 346, sec. 1, subd. 7), a condition in which an individual's health has, or may become, compromised due to an inadequate consumption of necessary nutrients as can be demonstrated under the criteria specified under MHD 463 (d)(4)(aa) herein.

(18) "Pregnant women" means persons determined by licensed physician, midwife or appropriately trained registered nurse, to have one or more fetuses in utero.

(19) "Program" means the program specified in the Act.

(20) "Program area" means the geographic boundaries determined by the agency and approved by the Board, within which the distribution of benefits under this program and under these rules shall be administered.

(21) "Public assistance" means any form of federal state or local aid wherein qualification is based upon financial need of the recipient.

(22) "Responsible official" means the person designated by the local health agency as being accountable to the department for carrying out the provisions of the act and of these rules.

(23) "Supplemental food" means any food authorized to be made available under MHD 463 (e)(3)(aa) of these rules.

(24) "Vendor" means any retailer who has entered into a written contract with a grantee to provide food to certified individuals pursuant to these rules.

(25) "Voucher" means the coupon issued by the grantee to the certified individuals and/or their parents or guardians for purchase of specified supplemental foods from a vendor.

MHD 462 Procedures and Conditions for Obtaining a Grant

(a) Contracts between the Board and grantees

(1) The Board will make funds available only to those grantee agencies with which it has entered into a written contract.

(2) The Board will provide funds, technical assistance and consultation to grantees to enable them to establish and implement a certification process to determine individuals eligible for supplemental food vouchers in accordance with the Act and these rules.

(3) The Board and the grantee shall enter into a contract that shall specify at least the following:

(aa) The local grantee will operate pursuant to the Act and these rules.

(bb) The grantee shall have an affirmative action program as defined in MHD 461 (b)(3).

(b) Conditions for entering a funding contract with the Board

(1) The Board will accept applications from agencies seeking to become grantees.

(2) The Board may execute a contract only with those agencies which submit an acceptable application as specified in MHD 462 (b)(3) and upon consideration of the criteria as specified in MHD 462 (b)(4).

(3) The applications for contract shall be submitted in triplicate. The Board may request the submission of additional information consistent with the provisions of the Act and these rules, as well as information necessary to clarify matters already contained in the application. Such information shall be for the sole purpose of enabling the Board to fairly, adequately and completely evaluate the application to determine whether a grant should be awarded. The Board may refuse to award a grant for failure of the applicant to submit the requested information. The application shall contain at least the following information:

(aa) The name, address and telephone number of the appling agency.

(bb) The name of the person who will be designated the responsible official for supervising local program operations.

(cc) The title and number of all persons, including clerical or non-professionals, who are employed by the agency and will be working with the program.

(dd) The title and number of all members of the staff who will examine and/or interview persons in order to designate certified individuals for the program.

(ee) The geographic boundaries of the proposed program area.

(ff) An estimate of the total population living within the proposed program area and the basis upon which that estimate is made.

(gg) An estimate of the low income population living within the proposed program area and the basis upon which that estimate is made.

(hh) An estimate of the number of pregnant or lactating women, infants or children which the grantee expects to serve monthly under the program and the basis upon which that estimate is made.

(ii) An estimate of the monthly cost of purchasing supplemental foods for potential participants as based on current retail prices and a description of the basis on which that estimate was determined.

(jj) An estimate of the monthly administrative costs for the program by general type of expenditure with a brief justification for each such budgeted expenditure.

(kk) A proposed plan for establishing and implementing a certification process.

(ll) A statement that the information furnished in the application is true and accurate to the best knowledge of the responsible official who signs it.

(4) In addition to information provided in the application, the Board will consider the following criteria in determining whether it will contract with an applicant:

(aa) The absence of any similar supplementary feeding program serving the clientele within the proposed program area of the applying agency.

(bb) The ability of the applicant to meet program requirements for individual certification, recordkeeping, reporting, nutrition education and all the other requirements of the Act and these rules.

(cc) The severity of nutritional risk and other health problems which affect residents of the proposed program area as demonstrated by Board data ranking counties based on percent of women receiving prenatal care, percent of premature births, perinatal death rate, percent of mothers less than 20 years old, percent of illegitimacy, percent of family income below $6,000 and fertility rate.

(5) Each applicant will be notified in writing by the Board as to the action taken on its application for contract and the reason for such action. Such notification shall specify the amount of funds which the Board will make available to the grantee and any contingencies upon the application.

MHD 463 Duties of Grantees

(a) Each grantee is responsible for identifying persons who may be designated as certified individuals. Each grantee shall inform these persons of program benefits and procedures to be followed in order to be designated as certified individuals.

(b) The grantee shall designate only competent professionals to certify individuals.

(c) Each grantee shall be responsible for establishing and implementing a certification process and for documenting the fulfillment of criteria by which each certified individual was determined as certified by a competent individual. No person shall be certified for more than six months. Any person desirous of continuing in the program shall be re-certified in accordance with those rules relating to any certification.

(d) Each grantee may designate pregnant or lactating women, infants and children as certified individuals provided such individuals meet all of the following requirements:

(1) They are not receiving a similar supplement under any federal, state or local program, and;

(2) They reside in an area served by the grantee and;

(3) (aa) They are eligible for, or a recipient of, any form of public assistance authorized by law or

(bb) They are determined by the grantee to be at low income, as can be verified by a statement provided by the Board which each individual applying for certification must sign, to purchase necessary supplemental foods, and;

(4) They are determined by the grantee to be at nutritional risk as defined by any one or more of the following criteria:

(aa) Nutritional anemia as found by blood analysis, either hemoglobin or hematocrit, showing results which are lower than those indicated on the following list:

	Age	gm/100ml
Hemoglobin	6-23 months	10.0
	2-4 years	11.0
	non-pregnant	12.0
	pregnant	11.0

	Age	Packed Cell Volume in Percent
Hematocrit	up to 2 years	33
	2-4 years	34
	non-pregnant	36
	pregnant	33

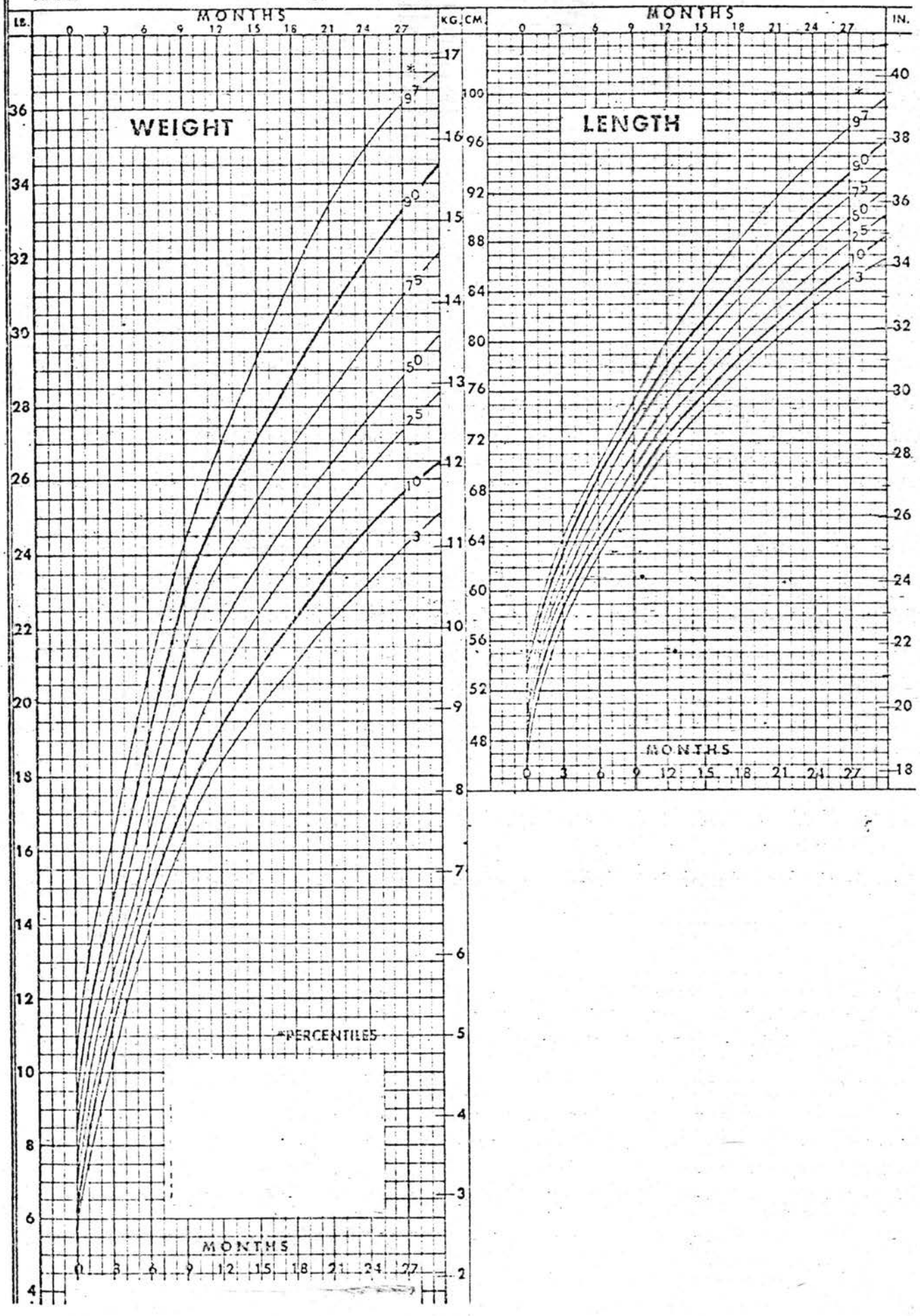
(bb) Inadequate diet as demonstrated on a food intake record form provided by the Board, and which indicates the diet, contains less than the specified amounts of the following nutrients and calories.

	0-6 Months	6 months to 1 Year	1-3 Years	3-4 Years	Pregnant Woman	Lactating Woman
Protein	2.2 gm/kg	2.0 gm/kg	23g	30g	76g	66g
Iron	10mg	15mg	10mg	10mg	18mg	18mg
Calcium	360mg	540mg	800mg	800mg	1,200mg	1,200mg
Vitamin A	1,400 IU	2,000 IU	2,000 IU	2,500 IU	5,000 IU	6,000 IU
Vitamin C	35mg	35mg	40mg	40mg	60mg	80mg
Calories	117/kg	108/kg	1,300	1,800	2,400	2,600

(cc) Inadequate pattern of growth in infants and children as demonstrated when heights and weights plotted on the following growth grids show height and/or weight to be two or more standard deviations below the mean:

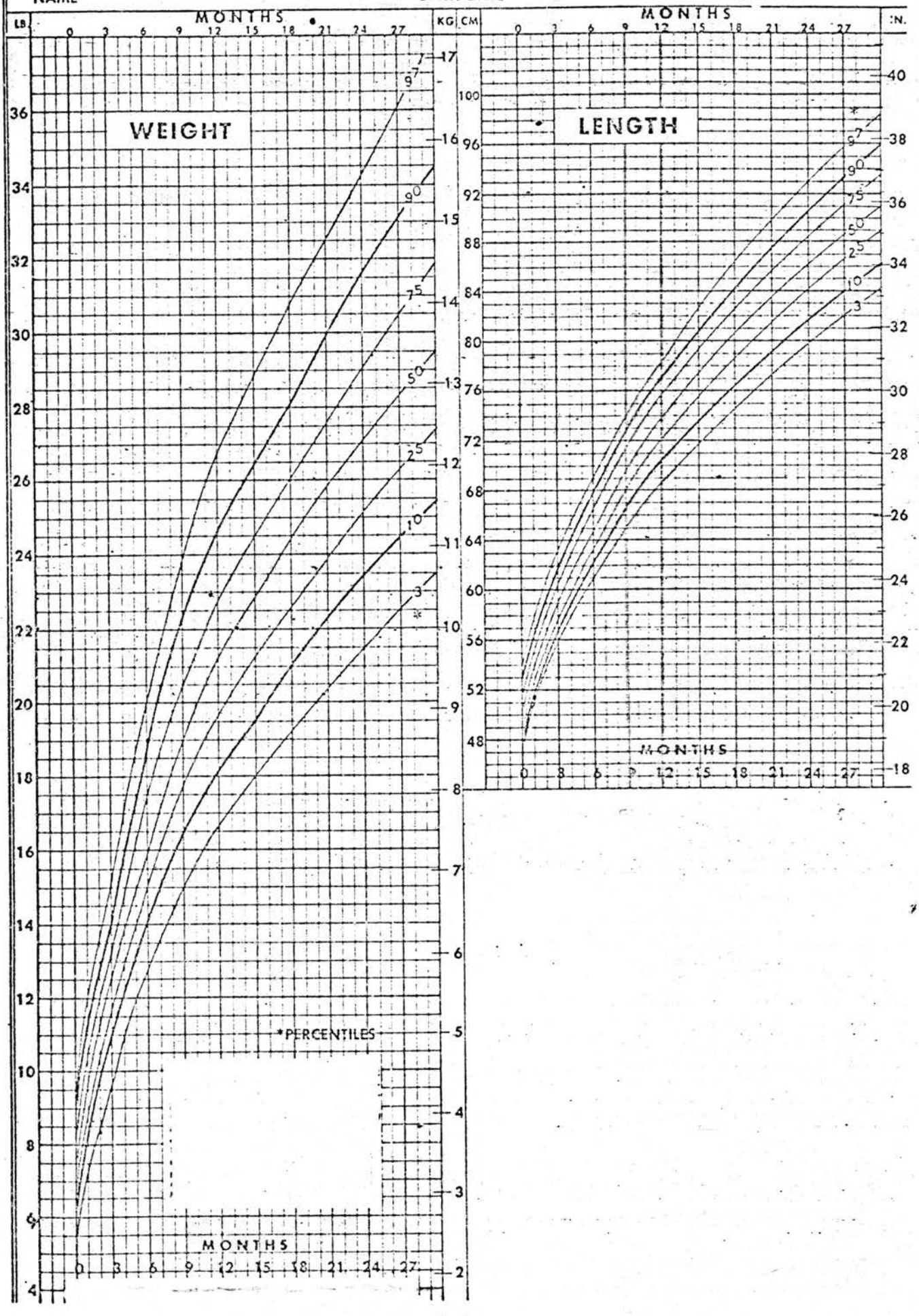
INFANT BOYS

NAME BIRTH DATE NO.

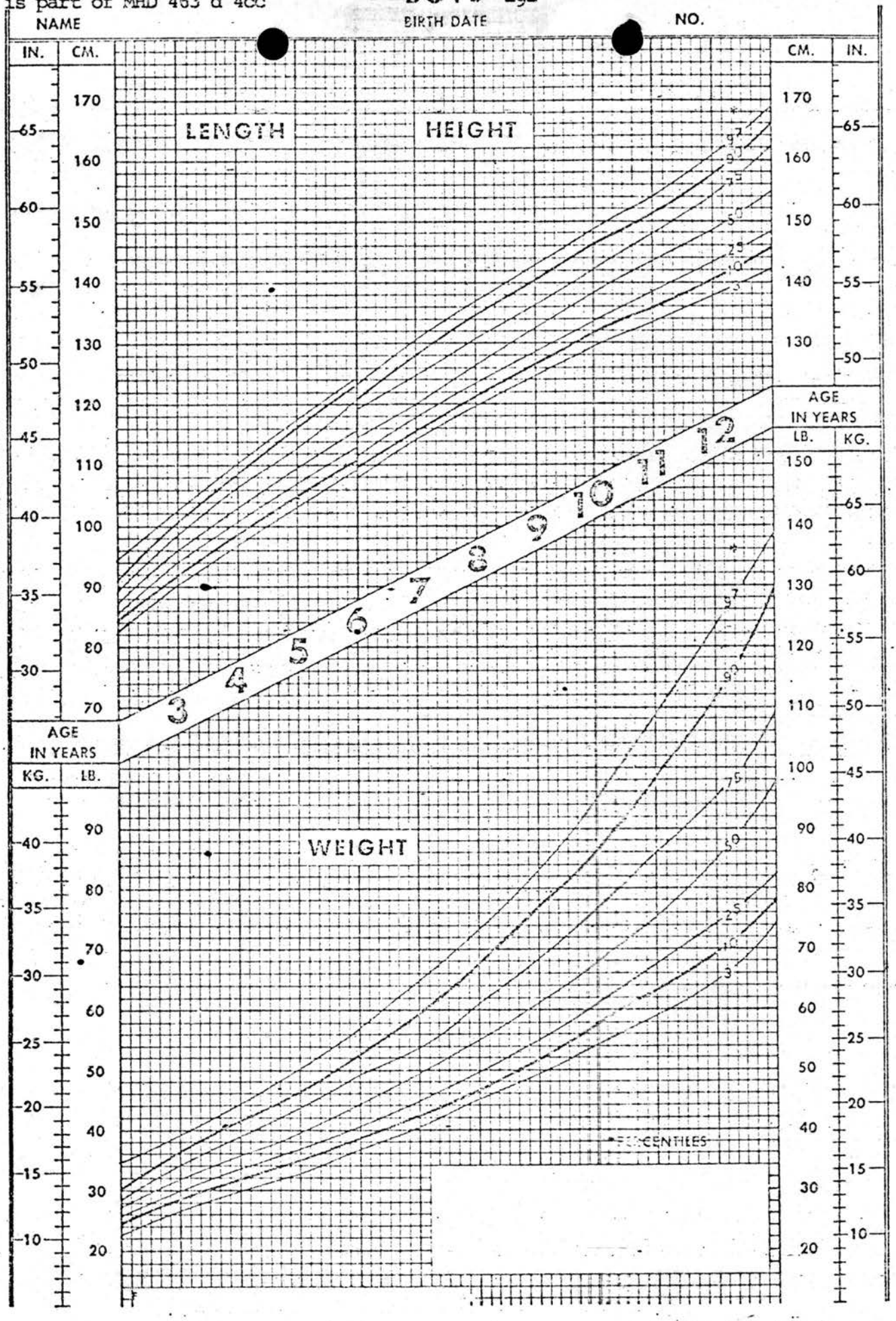


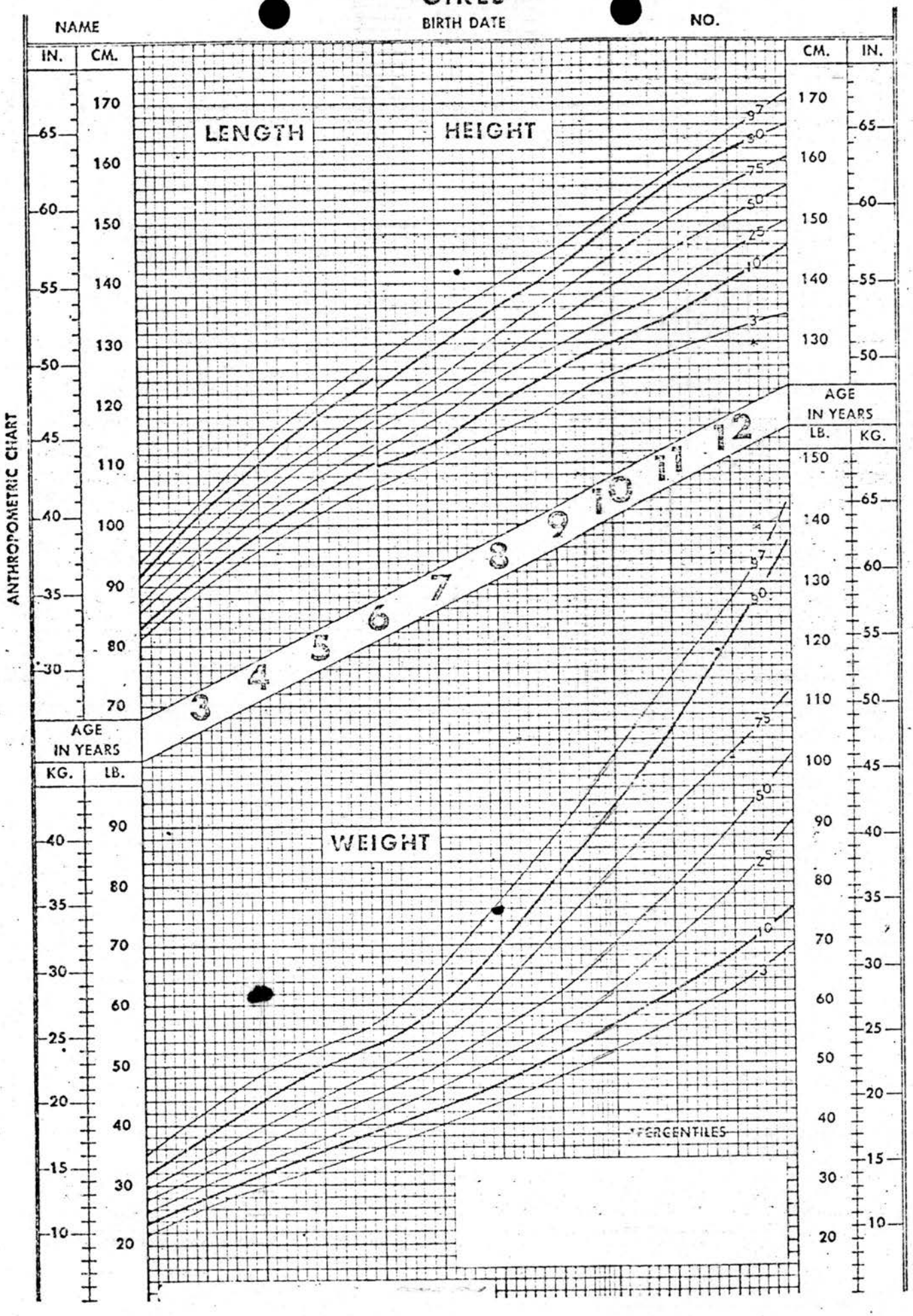
INFANT GIRLS

NAME BIRTH DATE NO.

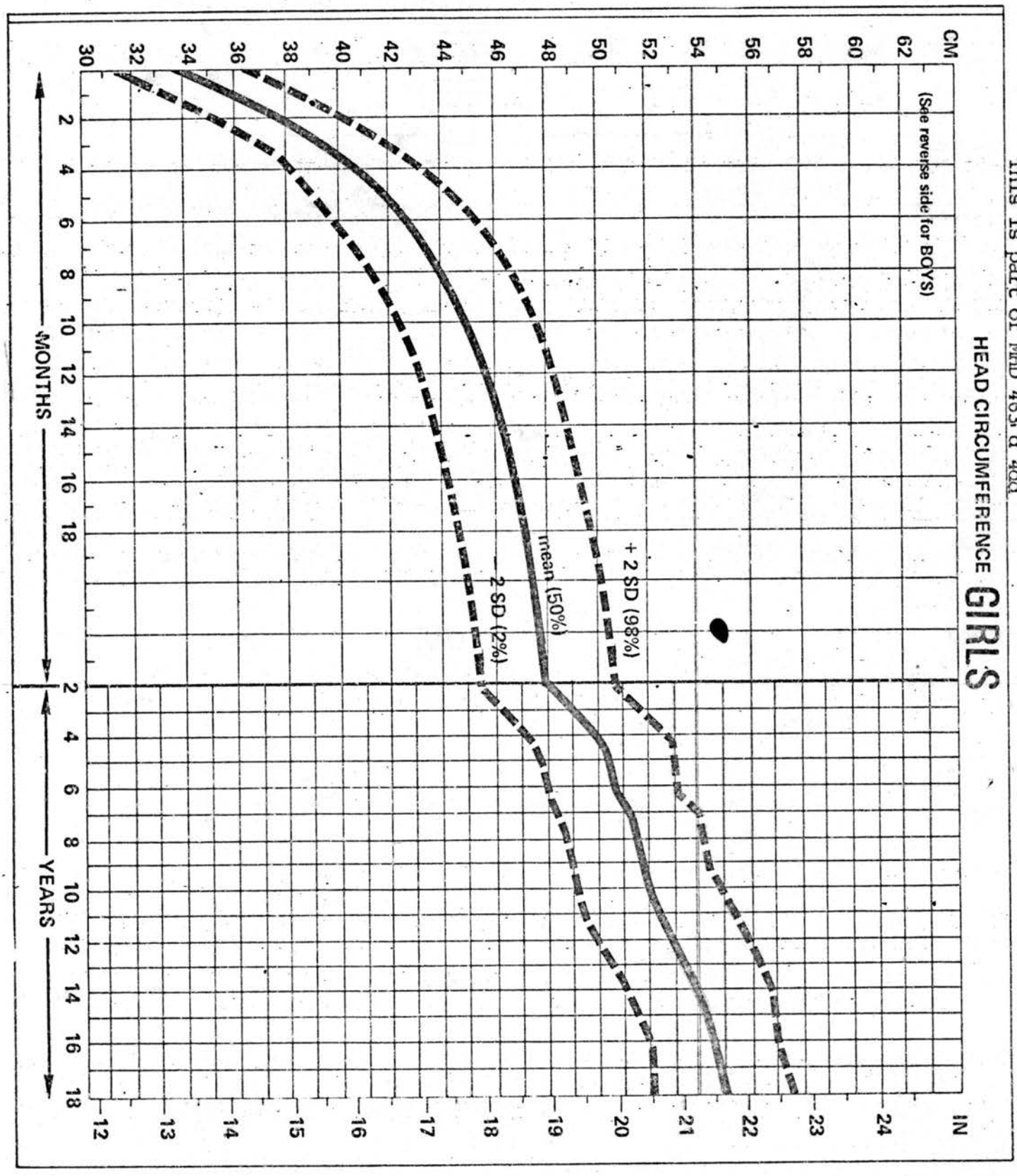


This is part of MHD 463 d 4cc




GIRLS
NAME
BIRTH DATE
NO.
ANTHROPOMETRIC CHART
LENGTH
HEIGHT
WEIGHT
IN.
CM.
AGE IN YEARS
KG.
LB.
97
90
75
50
25
10
3
PERCENTILES

(dd) Inadequate pattern of growth in infants as demonstrated when head circumference plotted on the following grid shows the head circumference to be two or more standard deviations below the mean:



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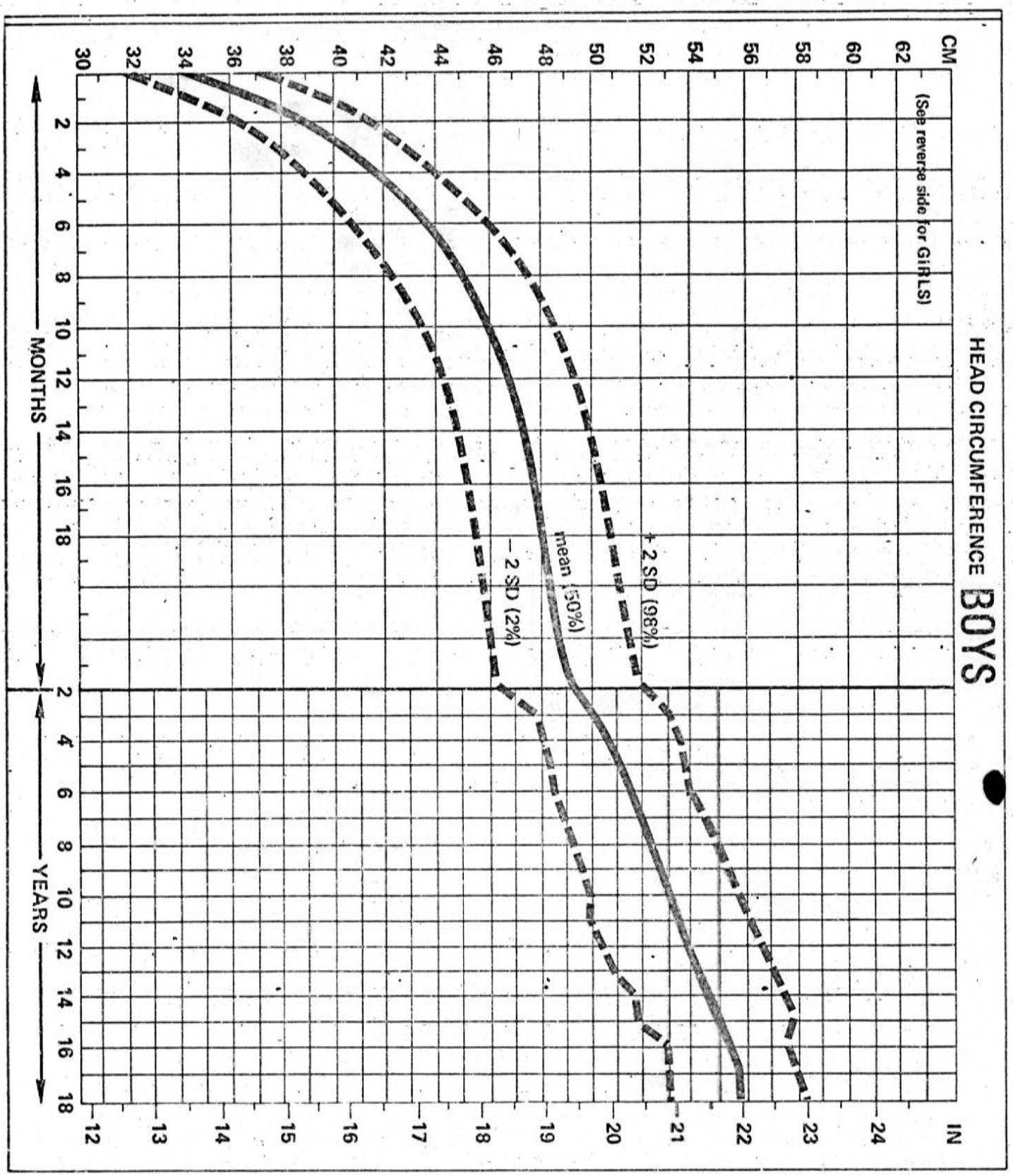
GIRLS

This is part of MHD463 d 4dd



(ee) Inappropriate preconception weight as demonstrated by a preconception weight 10 percent or more below weight for height as shown on the following chart:

Height Barefoot	Weight
4' 9"	92
4' 10"	94
4' 11"	96
5' 0"	99
5' 1"	102
5' 2"	105
5' 3"	108
5' 4"	111
5' 5"	114
5' 6"	118
5' 7"	122
5' 8"	126
5' 9"	130
5' 10"	134
5' 11"	138
6' 0"	142

(ff) Inappropriate preconception weight as demonstrated by a preconception weight twenty percent or more above the weight for height as shown on the following chart:

Height Barefoot	Weight
4' 9"	119
4' 10"	122
4' 11"	125
5' 0"	128
5' 1"	131
5' 2"	134
5' 3"	138
5' 4"	142
5' 5"	146
5' 6"	150
5' 7"	154
5' 8"	158

Height Barefoot	Weight
5' 9"	163
5' 10"	168
5' 11"	173
6' 0"	178

(gg) Inappropriate weight gain during pregnancy as demonstrated by a weight gain of seven pounds or more per month or a weight gain of less than two pounds per month after the first trimester.

(hh) Medical history or finding suggesting nutritional need as shown by a competent professional by one of the following conditions:

(i) Intrauterine growth retardation or difficulty with previous pregnancy that could be nutritionally related such as, but not limited to, five or more pregnancies, two or more spontaneous abortions, less than one year since last delivery, or a neonatal death that may have nutritional cause;

(ii) Pregnant or lactating patient seventeen years of age or under and/or her infant;

(iii) Premature or low birth weight infant or an infant having a sibling with a history showing failure to thrive.

(e) Procedure by which grantee is to provide supplemental foods to certified individuals:

(1) The Board shall provide vouchers to the grantee and the grantee shall provide secure storage of the vouchers until they are issued. The grantee shall issue vouchers to certified individuals on the basis of individual need, but in no case shall exceed the maximum quantity stated in MHD 463 (e)(3).

(2) Upon presentation of vouchers provided by the program grantee, certified individuals may obtain supplemental foods from a vendor. Each voucher shall state the specified food and the maximum quantity of that food that can be provided by the vendor.

(3) Maximum quantities that will be provided for certified individuals through the vouchers are indicated for each food as follows. Substitutions are not allowed.

(aa) For infants:

Foods	Unit	Maximum Number of Units per Month
Iron fortified infant formula	13 fluid oz. can of concentrated liquid, or dry or ready-to-use form in an amount to provide 26 ounces of single strength formula	31
Infant Cereal	8 oz. package	3
Juice, single strength or frozen, concentrated fruit juices in 12 ounce cans, at the same rate or in an equivalent volume in other can sizes	46 fluid oz. can	2 or 15 four ounce cans of infant juice

(bb) For children and pregnant and lactating women:

Foods	Unit	Maximum Number of Units per Month
Whole, skim, or low fat fluid milk	fluid quart or evaporated or nonfat dry milk in equivalent amount	31 or 28 units plus one pound cheese or 25 units plus two pounds of cheese
Eggs	dozen	$2\frac{1}{2}$
Cereals	8 ounce package	4
Juice, single strength or frozen, concentrated fruit juices in 12 ounce cans at the same rate or in an equivalent volume in other can sizes	46 fluid ounce can	6

(4) The kinds and specifications of supplemental foods to be made available through voucher are as follows:

(aa) For infants:

(i) Iron fortified infant formula with at least 10 milligrams of iron per liter of formula at standard dilution (which supplies 67 kilocalories per 100 milliliters; i.e., 20 kilocalories per fluid ounce).

(ii) Infant cereal which contains a minimum of 28 milligrams of iron per 100 grams of dry cereal.

(iii) Fruit juice which contains at least 30 milligrams of vitamin C per 100 milliliters.

(bb) For children and pregnant or lactating women:

(i) Whole fluid milk fortified with 400 International Units of vitamin D per quart, or evaporated milk fortified with 400 International Units of vitamin D per reconstituted quart; or skim or low-fat milk fortified with 400 International Units of vitamin A per reconstituted quart, or cheese (Swiss, cheddar or pasteurized process American). Children with milk allergies may continue to receive special formulas provided there is a written request from a physician.

(ii) Cereal (hot or cold) which contains a minimum of 15 milligrams of iron per 100 grams of dry cereal which is not pre-sweetened.

(iii) Fruit or vegetable juice, or both, which contains a minimum of 30 milligrams of vitamin C per 100 milliliters.

(iv) Eggs

(5) Each grantee shall enter into a written contract with local vendors serving the project area. The contract shall require the vendor to agree that:

(aa) The vouchers will be redeemed only for those foods and quantities specified on the voucher;

(bb) The price charged for each item on the voucher will be the same price charged to all purchasers of those items on the days vouchers are redeemed;

(cc) The vendor shall send a monthly statement showing cost of redemption to the grantee;

(dd) The grantee shall pay the vendor monthly upon submission of statement.

(f) Nutrition Information and Counseling

Each grantee shall provide nutrition information and counseling to certified individuals and/or parents or guardians. The grantee shall develop a written plan showing how nutrition information and counseling will be provided. This plan will include an implementation schedule showing the dates by which objectives will be prepared and when the methods are to be put into operation.

(g) Records and Reports

(1) General - Grantees shall maintain full and complete records concerning operation. All such records shall be retained indefinitely unless State Archives approves their destruction. The Board has the right to review and inspect all records at its descretion.

(2) Contract Records - Each grantee shall keep a record of all contracts entered into with local vendors.

(3) Financial Records - Each grantee shall keep complete and accurate records of all funds received and disbursed for the program. All financial disbursement records shall be summarized and submitted in report form monthly to the Board on forms supplied by the Board.

(4) Food Records and Reports - Each grantee shall keep a record of the food issued each month to each certified individual. A monthly summary shall be submitted to the Board on forms supplied by the Board.

(5) Medical Records - The grantee shall record height, weight, and infant head circumference at each certification visit. If hematocrit and/or hemoglobin tests are a routine of the agency, these should also be recorded.

(6) Nutrition Information and Counseling Records - Each grantee shall report quarterly on progress made toward accomplishment of objectives stated in their Nutrition Information and Counseling Plan.

(7) Voucher Records - Vouchers must be accounted for from point of receipt from the Board. A record shall be kept of vouchers issued to certified individuals. Any voucher not intended to be redeemed shall immediately be marked VOID.

(h) Fair Hearing Procedure

Each grantee shall have an established hearing procedure in accordance with the Minnesota Administrative Procedures Act under which a person or his or her parent or guardian can appeal a decision made by the grantee respecting the refusal of the grantee to designate the person as a certified individual.

MHD464 Miscellaneous

(a) Payments to Grantees

The Board shall advance funds to grantees based on the number of certified individuals. This advance of funds shall be made quarterly and is to cover food and allowed administration costs. The dollar amount allowed per participant shall be based on current prices of the supplemental foods. The grantee shall be responsible for costs incurred in excess of the program budget.

(b) Grantee Disqualification

(1) Any grantee may be disqualified from participation if it fails to comply with the provisions of this Act and these rules and/or its contract with the Board.

(2) If, in accordance with the Minnesota Administrative Procedures Act, it is determined that any part of the money received by the grantee was through grantee negligence or fraud misused, the grantee shall, on demand of the Board, pay the Board a sum equal to the amount of the money misused or diverted.

(3) If, in accordance with the Minnesota Administrative Procedures Act, the Board determines that any part of the money received by the grantee, or vouchers redeemed with program funds, were lost as a result of thefts, embezzlements, or unexplained causes, the grantee shall, on demand of the Board, pay to the Board a sum equal to the amount of money or the value of the vouchers so lost.

MHD 465 to 470 are reserved for future use.

APPROVED AS TO FORM AND ~~EXECUTION~~ legality
MAY 28 1976 19
WARREN R. SPANNAUS, Attorney General
BY /s/ Michael B. Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 28 1976 1:25 P.M.
Joan Anderson Growe
Secretary of State

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
MAY 28 1976
BY Edna Strandemoen
AUTH. SIGNATURE 1:40 pm.

3/76 MCH

PROPOSED RULE OF THE STATE BOARD OF HEALTH RELATING TO FEES TO BE CHARGED FOR THE COPYING OF RECORDS

MHD - Fees for Record Copying. Unless otherwise provided by law, the charge for copies of Board or Department records, files, or other official documents shall be as follows:

(a) Fee for first copy, $.50.

(b) Fee for each additional item requested at the same time, $.05.

MINNESOTA DEPARTMENT OF HEALTH RULES

Proposed Rules of the State Board of Health Relating to Procedures for the Awarding of Grants Not Governed by Other Procedural Rules for Specific Grant Programs

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MHD 451. PURPOSE, SCOPE, AND DEFINITIONS

(a) Purpose of Rules. The purpose of these rules is to establish a process for allocating federal and state funds in the form of grants to assist in establishing and maintaining community health services.

(b) Scope of Rules.

(1) The Board administers a number of grant programs. Some programs are governed by separate procedural rules. These rules are intended to apply generally to all grants awarded by the Board which are not governed by other procedural rules for specific grant programs.

(2) The monies available for the grant awards governed by these rules come from both state and federal sources. These rules, therefore, do not prescribe the exclusive procedures and requirements applicable to grants governed by them but instead are in addition to any procedures and requirements specified in the enabling and authorizing laws establishing the grants programs and appropriating the money thereto, as well as any other applicable rules.

(c) Type of Grants. Grants shall be available for the following purposes:

(1) Planning for the development of a community health service agency or system.

(2) Demonstration of the appropriateness, effectiveness, or feasibility of developing a new community health service or for the integration of existing community health services.

(3) Support of projects for the delivery of community health services.

(d) Eligibility for Grants. Public funds in the form of grants are available to governmental and nonprofit agencies, institutions, and organizations for purposes described herein.

(e) Definition of Terms. The following terms used in these rules shall have the meanings given them:

(1) "Activity" means the tasks described in the grant application and approved by the Board for fiscal support.

(2) "Applicant" means the governmental or nonprofit private agency, institition, or organization which seeks and requests a grant award from the Board.

(3) "Application" means a written request for a grant award submitted by the applicant on forms provided by the Board pursuant to these rules and applicable statutes.

(4) "Award" means the authorization by the Board to a grantee to receive and expend public funds for an activity.

(5) "Board" means the State Board of Health and includes the Commissioner of Health and the Minnesota Department of Health. These rules shall be administered by the Secretary and Executive Officer of the Board.

(6) "Community Health Services" means those services designed to protect and improve the people's health within a geographically defined community by emphasizing services to prevent illness, disease, and disability, by promoting effective coordination and use of community resources and by extending health services into the community. These services include community nursing services, home health services, disease prevention and control services, family planning services, nutritional services, dental public health services, emergency medical services, health education, and environmental health services.

(7) "Fiscal Management Officer" means the chief fiscal officer of the

grantee who has primary responsibility for the accountability for and reporting on grant funds.

(8) "Grantee" means that agency, institution, or organization which has received a grant award.

(9) "Local Match" means the grantee share of the cost of the funded activity.

(10) "Notice of Availability" means a written announcement of the Board noting the availability of grant funds.

(11) "Project Director" means the official of the grantee responsible for the administration of the grant.

MHD 452. AVAILABILITY OF GRANT FUNDS AND APPLICATION PROCESS

(a) Notice of Availability. The Board shall mail a notice of availability to interested parties who have requested the Board in writing to be so notified. The notice of availability of grant funds shall include at least the following information:

(1) Specific purposes for which funds are available.

(2) When the applicant shall give notice of intent to apply for a grant award.

(3) When applications shall be submitted to the Board.

(b) Notice of Intent. The applicant shall notify the Board in writing of its intent to apply for funds on forms provided by the Board and in accordance with the schedule specified in the Board's announcement.

(c) Provision of Application Forms. Upon receipt of the notice of intent, the Board shall transmit application forms and instructions to the agency, institution, or organization submitting notice of intent.

(d) Submission of Application. Applications shall be submitted to the Board no later than the date specified in the notice of availability. Information addressed in the application shall include, but not be limited to the items noted below. The Board may request the submission of additional information consistent with these rules and any applicable legislation as well as information necessary to clarify matters already contained in the application. Such request shall be for the sole purpose of enabling the Board to fairly, adequately and completely evaluate the application to determine whether a grant should be awarded. The Board may refuse to award a grant for failure of the applicant to submit requested additional information.

(1) Name and address of the applicant.

(2) Names of the project director and the fiscal management officer who will be responsible for the activity for which a grant award is sought.

(3) An activity description including at least the following:

(aa) Statement of the community health problem(s) to which the activity is addressed.

(bb) Statement of goal(s).

(cc) Objective(s) to be accomplished.

(dd) Methods by which each objective will be achieved.

(ee) Evaluation criteria to be used for periodic assessment of the activity.

(ff) Completed budget and budget justification.

(4) Identification of the significant health-related needs of the community

along with an explanation of the way the proposed activity will affect these needs.

(5) Assurances of compliance with applicable state and federal laws pertaining to the administration of grants.

MHD 453. REVIEW OF APPLICATION AND DISPOSITION THEREOF

(a) Regional Review. The applicant shall submit one copy of the completed application form to the Board by the date specified in the notice of availability and to each of the health systems agencies and regional development commissions in the areas in which the funded activity will take place. Their findings shall be submitted to the Board in accordance with the time schedule specified in the notice of availability.

(b) Board Review.

(1) The Board shall review all applications in accordance with the time schedule specified in the notice of availability.

(2) The Board shall give consideration to the following criteria in determining which activities shall receive an award:

(aa) Probable Effectiveness. Evidence that the proposed activity will positively affect identified community health problem(s) in a cost effective manner.

(bb) Community Support. Evidence of coordinated planning and of community support including the level of local match available for the proposed activity.

(cc) Regional Review. The findings submitted by the regional review agencies.

(dd) Past Performance. The extent to which the grantee has met the goals and objectives of any activity previously funded by the Board.

(ee) Limitation of Funds. The amount of funding available for a specific type of grant.

(ff) Equity. Equitable distribution of grant funds throughout the state.

(gg) Quality of the Application. Clarity, specificity and completeness of the application.

(c) Disposition.

(1) The Board shall inform each applicant in writing that one of the following actions has been taken with respect to its application.

(aa) Approval of application as submitted and justification thereof.

(bb) Approval of application with modification and justification thereof.

(cc) Conditional disapproval due to inadequate funds. These applications shall be held by the Board pending availability of additional funds.

(dd) Disapproval of application with justification.

(2) The Board's notice of award shall specify the amount of the award, source of funds, duration of the funding period, and such conditions as are necessary for assuring the appropriate use of public funds.

MHD 454. GRANT ADMINISTRATION

(a) Grant Monitoring. The Board shall designate a member of the Department

staff to act as monitor for each grant awarded. The person deisgnated shall provide technical assistance to the grantee and monitor progress toward the goals and objectives of the activity.

(b) Grantee Responsibilities. The grantee shall, in addition to fulfilling the goals and objectives of the activity:

(1) Comply with the terms of the grant and with the requirements of these rules and other applicable legislation.

(2) Maintain such records, including accounting records, as are necessary to make the required reports and to permit assessment of the activity by the Board.

(3) Assure that:

(aa) The teasurer or an official exercising similar functions for the grantee shall receive and provide for the custody of all funds paid to the grantee by the Board.

(bb) The local match reported is used only to match the specific grant award and not any other grant awarded by the Board or any other state or federal source.

(cc) Grant funds are used solely for the purpose outlined in the grant award.

(dd) Accounting records are supported by source documents.

(ee) Audits are conducted to determine at a minimum the fiscal integrity of financial transactions and reports.

(4) Provide access to the Board to records relating to the funded activity.

(5) Provide progress reports in accordance with a schedule established by the Board.

(c) Grantee Disqualification. The Board may withhold or terminate funding to the grantee for failure to comply with the terms of the grant, with the requirements of the rules or applicable legislation, or for other just cause. The Board may require reimbursement of unauthorized expenditures identified by fiscal audit.

MHD 455 to 460 are reserved for future use.

MINNESOTA DEPARTMENT OF HEALTH RULES
CHAPTER TWENTY-EIGHT

Proposed Rules for
Health Maintenance Organization
Planning Grants

MHD 376 is amended by deleting existing language in its entirety and adding in lieu thereof the following:

MHD 376 Planning Grants

(a) Submission of an Application.

(1) Applications shall be submitted on forms prescribed by the Board which shall address but need not be limited to:

(aa) Name and address of the applicant corporation and a copy of the corporation's Articles of Incorporation.

(bb) Names, addresses, occupations and place of employment of the members of the governing body of the applicant corporation.

(cc) Description of the proposed geographic area and population groups.

(dd) Objectives, work plans, methods and budget which would be used in the proposed project. The description of these items shall include but not be limited to the following four health maintenance organization planning elements:

(i) Proposed enrollee groups and system of market analysis.

(ii) Potential ability of the applicant to develop a viable and financially sound health maintenance organization.

(iii) Potential availability and cooperation of providers.

(iv) Proposed organizational structure of the health maintenance organization.

(ee) Applicant's description of the need for the project in the proposed geographic area or population groups.

(ff) Any other information which would be necessary to enable the Board to evaluate the application consistent with the provisions of this rule and any applicable legislation. Failure to submit all information requested may result in rejection of the application.

(2) Applications shall be submitted on or before deadlines prescribed by the Board. Such deadlines shall be announced by the Board at least thirty days prior to the date the application is due.

(3) Announcement of the application process and deadlines shall be made to individuals and groups including but not limited to Minnesota areawide comprehensive health planning agencies as defined in Minn. Stat. §145.72, Subd. 5, as amended, or any successor agency, Minnesota health maintenance organizations and other individuals and groups which have requested an application in writing within the last twelve months.

(b) Review of Application

(1) Applications shall be submitted by the Board for review and comment to any areawide comprehensive health planning agency or successor agency having jurisdiction over all or part of the proposed service area of the applicant. The review and comment report shall be considered by the Board as long as such report is made to the Board within sixty days from when the grant application was submitted to such agency. The agency report shall address at least the items covered in MHD 376(b)(2)(aa) to (ii), MHD 376(b)(3) and Minn. Stat. §62D.28.

(2) The Board shall consider the following factors in determining the organizations which shall receive planning grants, the amount of money to be awarded and the terms and conditions for issuance of such planning grants. The order of the factors has no priority significance.

(aa) Extent to which the applicant exhibits knowledge of activities necessary to develop a health maintenance organization.

(bb) Prospects for support from proposed enrollees.

(cc) Prospects for cooperation from area providers.

(dd) Qualifications of the persons responsible for the organization to conduct planning.

(ee) Unmet health needs of the proposed service area.

(ff) Consistency with other health planning goals in the community.

(gg) Ability of the organization to obtain additional or continued planning, development and operating funds.

(hh) Lack of other health maintenance organizations or of health maintenance organizations of this proposed organizational model in the geographic area.

(ii) Ability to comply with Minn. Stat. §62D.28 (1974).

(3) With respect to applications for continuation grants, in addition to the factors in the paragraph above, the Board shall consider the ability of the applicant to satisfactorily complete its stated objectives and the likelihood that continued state funding could contribute to development of a health maintenance organization.

(c) Awarding of Grants

Within ninety days of the deadline for submission of the application, the Board shall inform the applicant in writing of its decision and the reasons therefor. The award of grant monies shall be conditioned upon the applicant's compliance with MHD 376(d).

(d) Operation of Grant Projects

(1) No grant monies shall be distributed by the Board until the grantee complies with this section. If the applicant does not comply with this section within thirty days of receipt of the Board's decision to award the grant, the Board may revoke such award. Each grantee shall enter into a grant agreement with the Board which shall include but not be limited to the following assurances by the grantee:

(aa) The grantee shall maintain adequate fiscal control and fund accounting procedures including records pertaining to grant awards, obligations, unobligated balances and expenditures. Accounting records whall be supported by source documentation.

(bb) The Minnesota Department of Health and Minnesota Legislative Auditor shall be permitted access to records maintained in accordance with the grant project at any time either of these State agencies deems necessary.

(cc) The grantee shall agree to accept supervision, consultation and follow-up provided by the Minnesota Department of Health to accomplish the goals and objectives of the grant.

(dd) The grantee shall submit quarterly progress reports and financial reports according to a schedule and forms established by the Board.

(ee) The grantee shall maintain a policy and shall implement a procedure of equal employment opportunity in accordance with the State of Minnesota Affirmative Action Policy and Titles VI and VII of the Civil Rights Act of 1974. The grantee shall furnish information relative to the affirmative action policy and programs to the State upon request.

(ff) The grantee shall comply with all additional terms and conditions established by the Board which are consistent with the provisions of the Act and these rules.

(2) Prior approval from the Minnesota Department of Health shall be obtained for revision of objectives or the budget whenever:

(aa) The revision results in substantial change in the objectives of the grant-supported project.

(bb) The cumulative amount of transfers among/ between expense categories exceeds or is expected to exceed ten per cent of the grant budget.

(e) Termination of a Grant

(1) The Board may terminate any grant project if there is evidence of any one of the following:

(aa) Failure to comply with MHD 376(d).

(bb) Substantial inability to complete objectives and work plan described in the grantee's application.

(cc) Use of the State health maintenance organization planning funds for activities not described in the application or revisions approved by the Department.

(2) If a grant is to be terminated prior to the date originally specified in the grant award, the Board shall inform the grantee in writing of its intent to terminate the grant, giving the reasons therefor and the date on which termination will be effective.

PROPOSED RULES OF THE STATE BOARD OF HEALTH RELATING TO THE
MATERNAL AND CHILD NUTRITION ACT OF 1975
MHD 461 to 470

MHD461 General Purpose and Definitions

(a) These rules constitute the comprehensive state plan and are promulgated to establish procedures and criteria for those local organizations which seek funds from the Minnesota Board of Health in order to distribute nutritional supplements to mothers and children under these rules.

(b) Definitions

For the purposes of the Maternal and Child Nutrition Program, the terms in this section are defined as follows:

(1) "Act" means the Maternal and Child Nutrition Act of 1975 (Minnesota Laws 1975, Chapter 346).

(2) "Administrative costs" means all costs directly attributable to program operations, except expenditures for food.

(3) "Affirmative Action Program" is a program that meets state and federal laws which prohibit discrimination in employment, public service and public assistance.

(4) "Agency" means any local health agency as defined in the Act (Minnesota Laws 1975, Chapter 346, sec. 1, subd 2).

(5) "Applicant" means those local health agencies who have submitted program applications to the Board in accordance to these rules.

(6) "Birth weight" means weight of an infant determined within two hours of birth, or as soon thereafter as is practicable.

(7) "Board" means the Minnesota Board of Health and/or its agent, the Minnesota Department of Health.

(8) "Children" means persons at least one year of age but less than four years of age.

(9) "Competent professionals" means physician and/or registered nurses duly licensed by the State of Minnesota, or public health nutritionists, registered dietitians, or persons designated and supervised by one of the above as being competent to evaluate nutritional risk.

(10) "Certification process" means the method by which the grantee designates certified individuals in accordance with the criteria specified in MHD 463d dealing with certification.

(11) "Certified individuals" means those persons who have been certified by the grantee as eligible to receive supplemental food and services pursuant to the program.

(12) "Grantee" means those agencies who have contracted with the Board to participate in the program.

(13) "Infants" means persons under one year of age.

(14) "Lactating women" means women who are breastfeeding an infant up to 12 months of age.

(15) "Low birth weight" means a birth weight less than 2,500 grams.

(16) "Low income" means a gross annual income at or below the following:

$ 4,652 for a single person
$ 6,083 for a family of two (2)
$ 7,515 for a family of three (3)
$ 8,947 for a family of four (4)
$10,378 for a family of five (5)
$11,810 for a family of six (6)
$12,078 for a family of seven (7)
$12,346 for a family of eight (8)
$12,615 for a family of nine (9)
$12,883 for a family of ten (10)

(17) "Nutritional risk" means in addition to those items specified in the Act (Minnesota Laws 1975, Chapter 346, sec. 1, subd. 7), a condition in which an individual's health has, or may become, compromised due to an inadequate consumption of necessary nutrients as can be demonstrated under the criteria specified under MHD 463 d4aa herein.

(18) "Pregnant women" means persons determined by licensed physician, midwife or appropriately trained registered nurse, to have one or more fetuses in utero.

(19) "Program" means the program specified in the Act.

(20) "Program area" means the geographic boundaries determined by the agency and approved by the Board, within which the distribution of benefits under this program and under these rules shall be administered.

(21) "Responsible official" means the person designated by the local health agency as being accountable to the department for carrying out the provisions of the act and of these rules.

(22) "Supplemental food" means any food authorized to be made available under MHD 463 e3aa of these rules.

(23) "Vendor" means any retailer who has entered into a written contract with a grantee to provide food to certified individuals pursuant to these rules.

(24) "Voucher" means the coupon issued by the grantee to the certified individual and/or their parents or guardians for purchase of specified supplemental foods from a vendor.

MHD 462 Procedures and Conditions for Obtaining a Grant

(a) Contracts between the Board and grantees

(1) The Board will make funds available only to those grantee agencies with which it has entered into a written contract.

(2) The Board will provide funds, technical assistance and consultation to grantees to enable them to establish and implement a certification process to determine individuals eligible for supplemental food vouchers in accordance with the Act and these rules.

(3) The Board and the grantee shall enter into a contract that shall specify at least the following:

(aa) The local grantee will operate pursuant to the Act and these rules.

(bb) The grantee shall have an affirmative action program as defined in MHD 461b3

(b) Conditions for entering a funding contract with the Board

(1) The Board will accept applications from agencies seeking to become a grantee.

(2) The Board may execute a contract only with those agencies which submit an acceptable application as specified in MHD 462 b3 and upon consideration of the criteria as specified in MHD 462 b4.

(3) The applications for contract shall be submitted in triplicate. The Board may request the submission of additional information consistent with the provisions of the Act and these rules, as well as information necessary to clarify matters already contained in the application. Such information shall be for the sole purpose of enabling the Board to fairly, adequately and completely evaluate the application to determine whether a grant should be awarded. The Board may refuse to award a grant for failure of the applicant to submit the requested information. The application shall contain at least the following information:

(aa) The name, address and telephone number of the applicant agency.

(bb) The name of the person who will be designated the responsible official for supervising local program operations.

(cc) The title and number of all persons, including clerical or non-professionals, who are employed by the agency and will be working with the program.

(dd) The title and number of all members of the staff who will examine and/or interview persons in order to designate certified individuals for the program.

(ee) The geographic boundaries of the proposed program area.

(ff) An estimate of the total population living within the proposed program area and the basis upon which that estimate is made.

(gg) An estimate of the low income population living within the proposed program area and the basis upon which that estimate is made.

(hh) An estimate of the number of pregnant or lactating women, infants or children which the grantee expects to serve monthly under the program and the basis upon which that estimate is made.

(ii) An estimate of the monthly cost of purchasing supplemental foods for potential participants as based on current retail prices and a description of the basis on which that estimate was determined.

(jj) An estimate of the monthly administrative costs for the program by general type of expenditure with a brief justification for each such budgeted expenditure.

(kk) A proposed plan for establishing and implementing a certification process.

(ll) A statement that the information furnished in the application is true and accurate to the best knowledge of the responsible official who signs it.

(4) In addition to information provided in the application, the Board will consider the following criteria in determining whether it will contract with an applicant:

(aa) The absence of any similar supplementary feeding program within the proposed program area.

(bb) The ability of the applicant to meet program requirements for individual certification, recordkeeping, reporting, nutrition education and all the other requirements of the Act and these rules.

(cc) The severity of nutritional risk and other health problems which affect residents of the proposed program area as demonstrated by Board data ranking counties based on percent of women receiving prenatal care, percent of premature births, perinatal death rate, percent of mothers less than 20 years old, percent of illegitimacy, percent of family income below $6,000 and fertility rate.

(5) Each applicant will be notified in writing by the Board as to the action taken on its application for contract and the reason for such action. Such notification shall specify the amount of funds which the Board will make available to the grantee and any contingencies upon the application.

MHD463 Duties of Grantees

(a) Each grantee is responsible for identifying persons who may be designated as certified individuals. Each grantee shall inform these persons of program benefits and procedures to be followed in order to be designated as certified individuals.

(b) The grantee shall designate only competent professionals to certify individuals.

(c) Each grantee shall be responsible for establishing and implementing a certification process and for documenting the fulfillment of criteria by which each certified individual was determined as certified by a competent individual. No person shall be certified for more than six months. Any person desirous of continuing in the program shall be re-certified in accordance with these rules relating to any certification.

(d) Each grantee may designate pregnant or lactating women, infants and children as certified individuals provided such individuals meet all of the following requirements:

(1) They are not receiving a similar supplement under any federal, state or local program, and;

(2) they reside in an area served by the grantee and;

(3) they are eligible for, or a recipient of, any form of public assistance authorized by law or they are determined by the grantee to be at low income, as can be verified, to purchase necessary supplemental foods, and;

(4) they are determined by the grantee to be at nutritional risk as defined by any one or more of the following criteria:

(aa) Nutritional anemia as found by blood analysis, either hemoglobin or hematocrit, showing results which are lower than those indicated on the following list:

	Age	gm/100ml
Hemoglobin	6-23 months	10.0
	2-4 years	11.0
	non-pregnant	12.0
	pregnant	11.0

	Age	Packed Cell Volume in Percent
Hematocrit	up to 2 years	33
	2-4 years	34
	non-pregnant	36
	pregnant	33

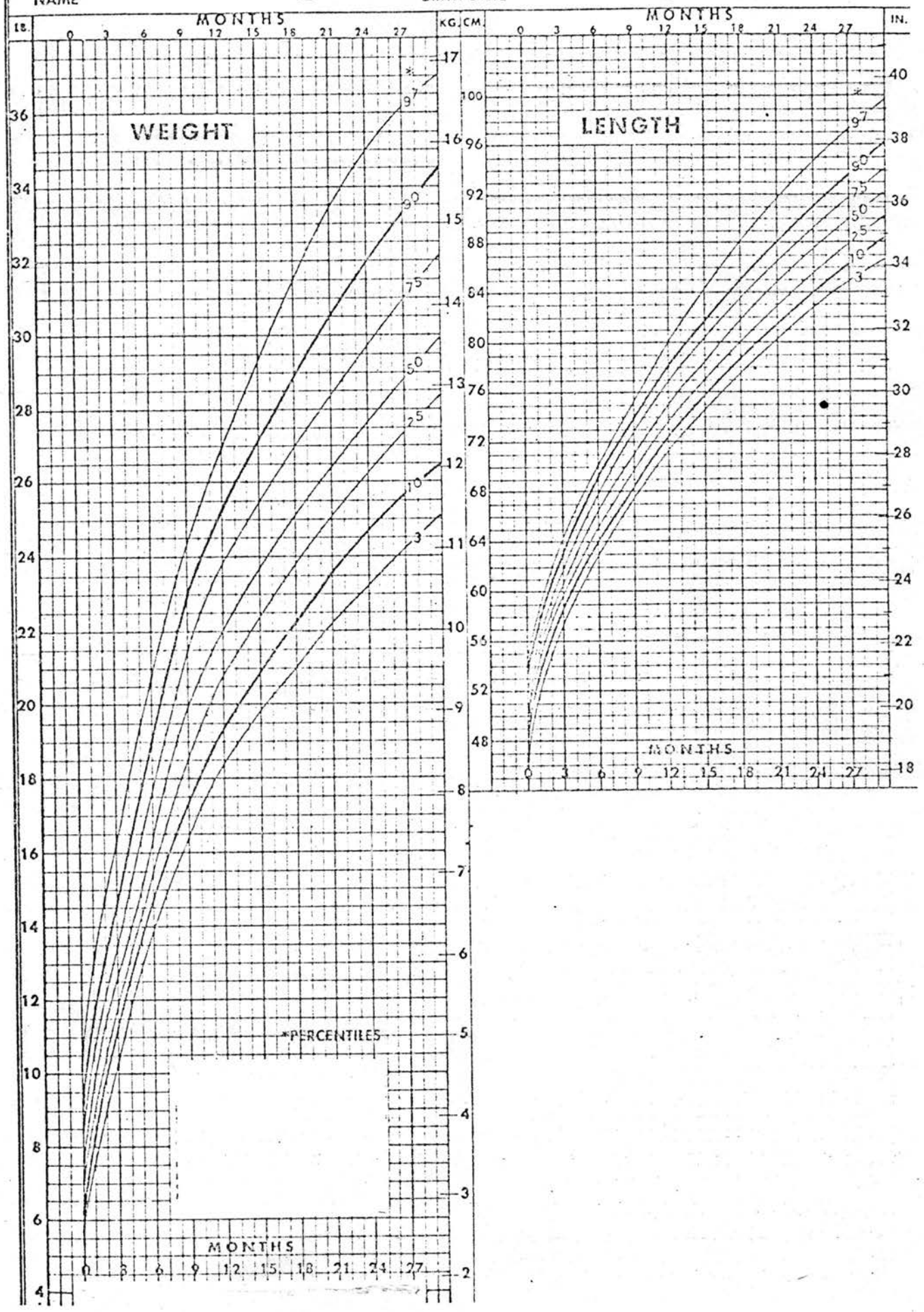
(bb) Inadequate diet as demonstrated on a food intake record form provided by the Department, and which indicates the diet, contains less than the specified amounts of the following nutrients and calories.

	0-6 Months	6 months to 1 Year	1-3 Years	3-4 Years	Pregnant Woman	Lactating Woman
Protein	2.2 gm/kg	2.0 gm/kg	23g	30g	76g	66g
Iron	10mg	15mg	10mg	10mg	18mg	18mg
Calcium	360mg	540mg	800mg	800mg	1,200mg	1,200mg
Vitamin A	1,400 IU	2,000 IU	2,000 IU	2,500 IU	5,000 IU	6,000 IU
Vitamin C	35mg	35mg	40mg	40mg	60mg	80mg
Calories	117/kg	108/kg	1,300	1,800	2,400	2,600

(cc) Inadequate pattern of growth in infants and children as demonstrated when heights and weights plotted on the following growth grids show height and/or weight to be two or more standard deviations below the mean:

INFANT BOYS

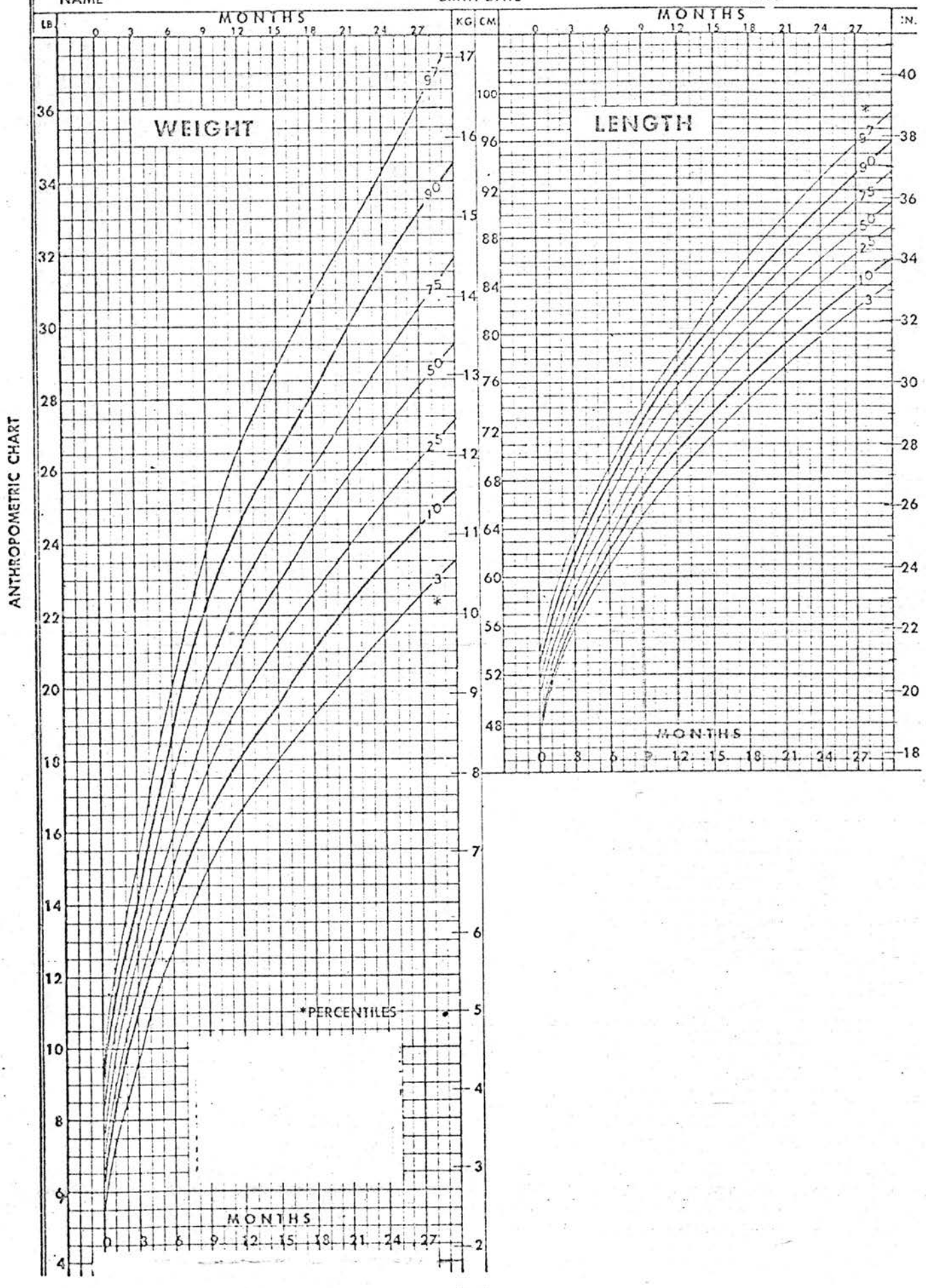
NAME BIRTH DATE NO.



ANTHROPOMETRIC CHART

INFANT GIRLS

NAME BIRTH DATE NO.



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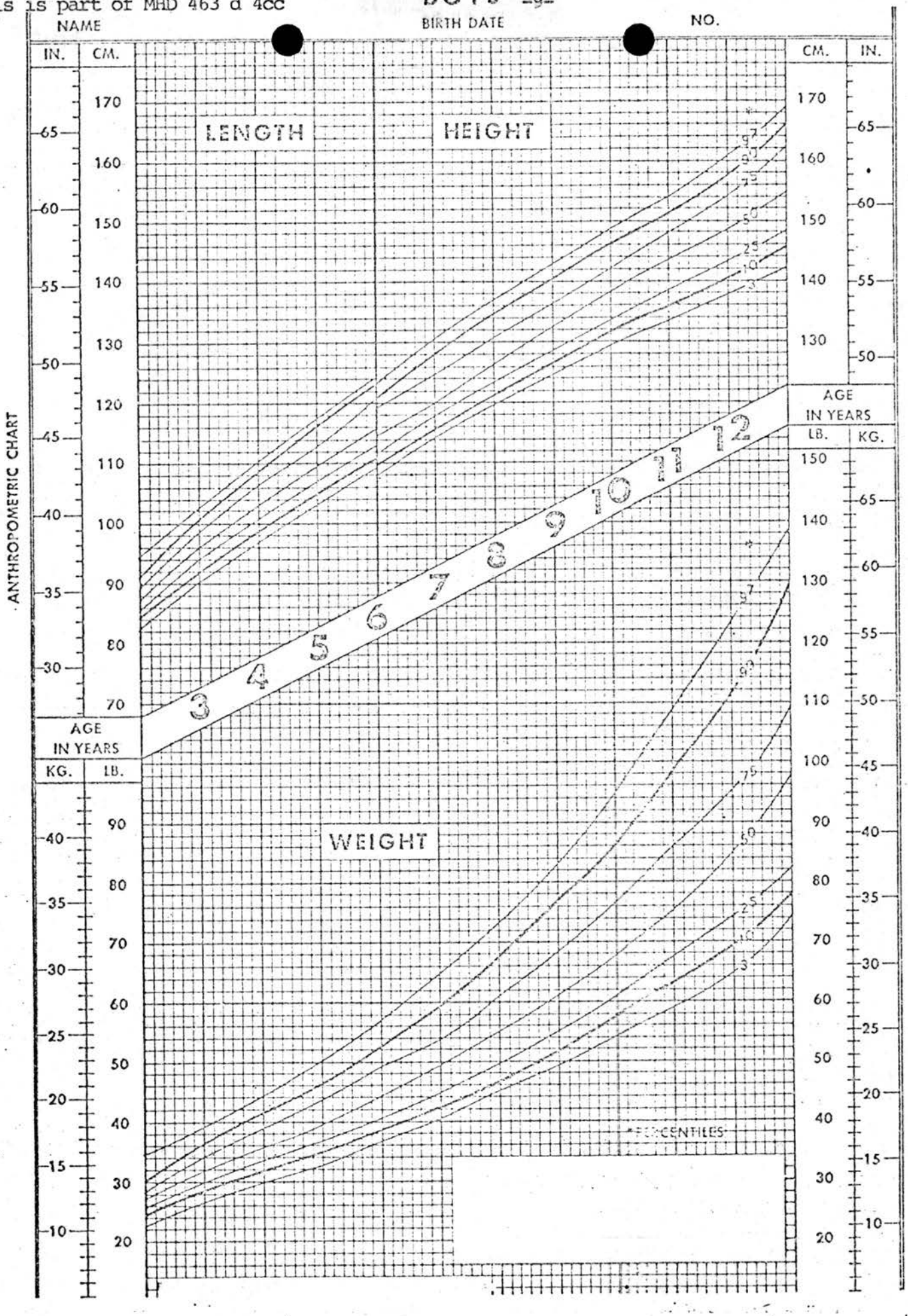
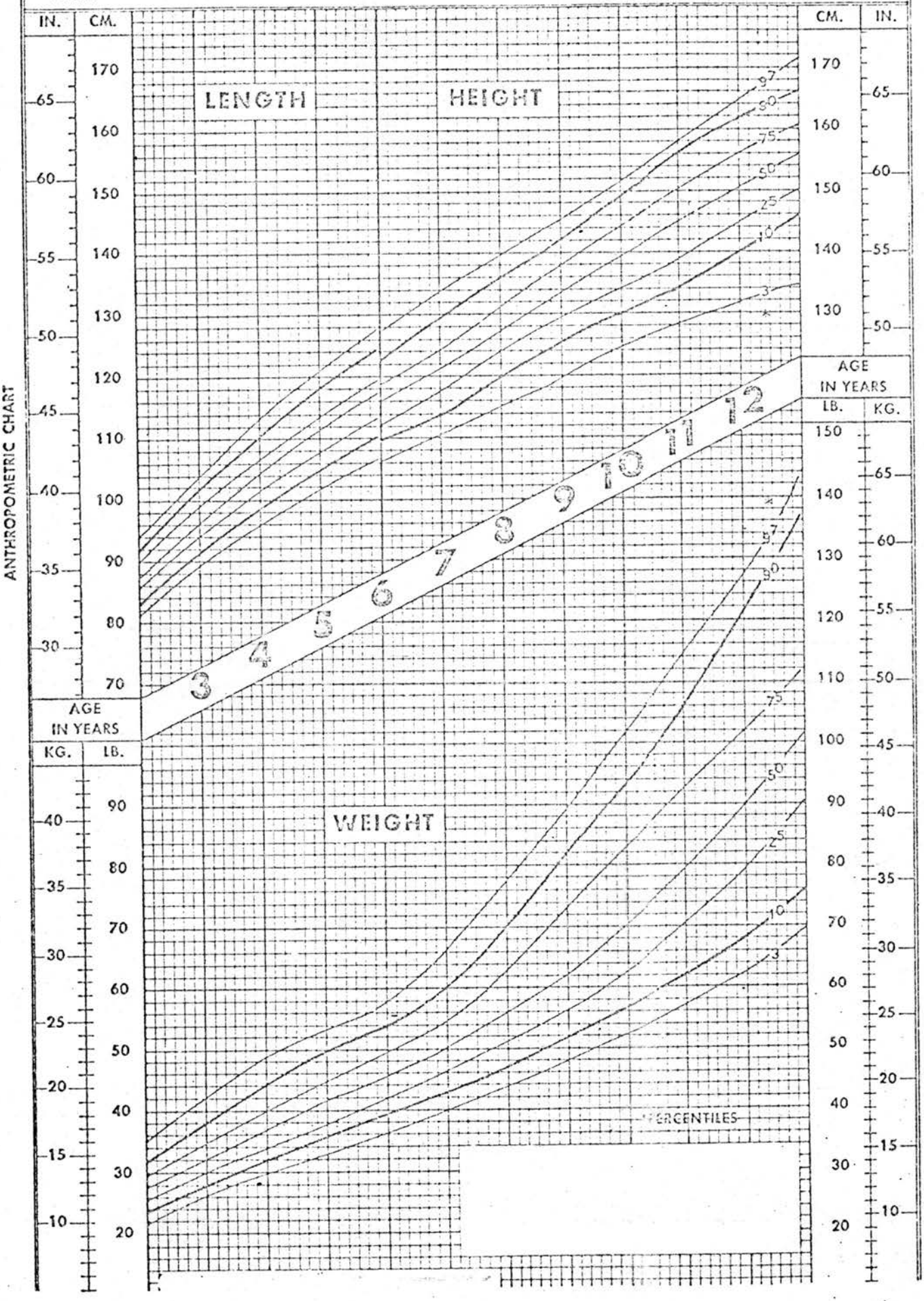
BOYS -9-

NAME BIRTH DATE NO.

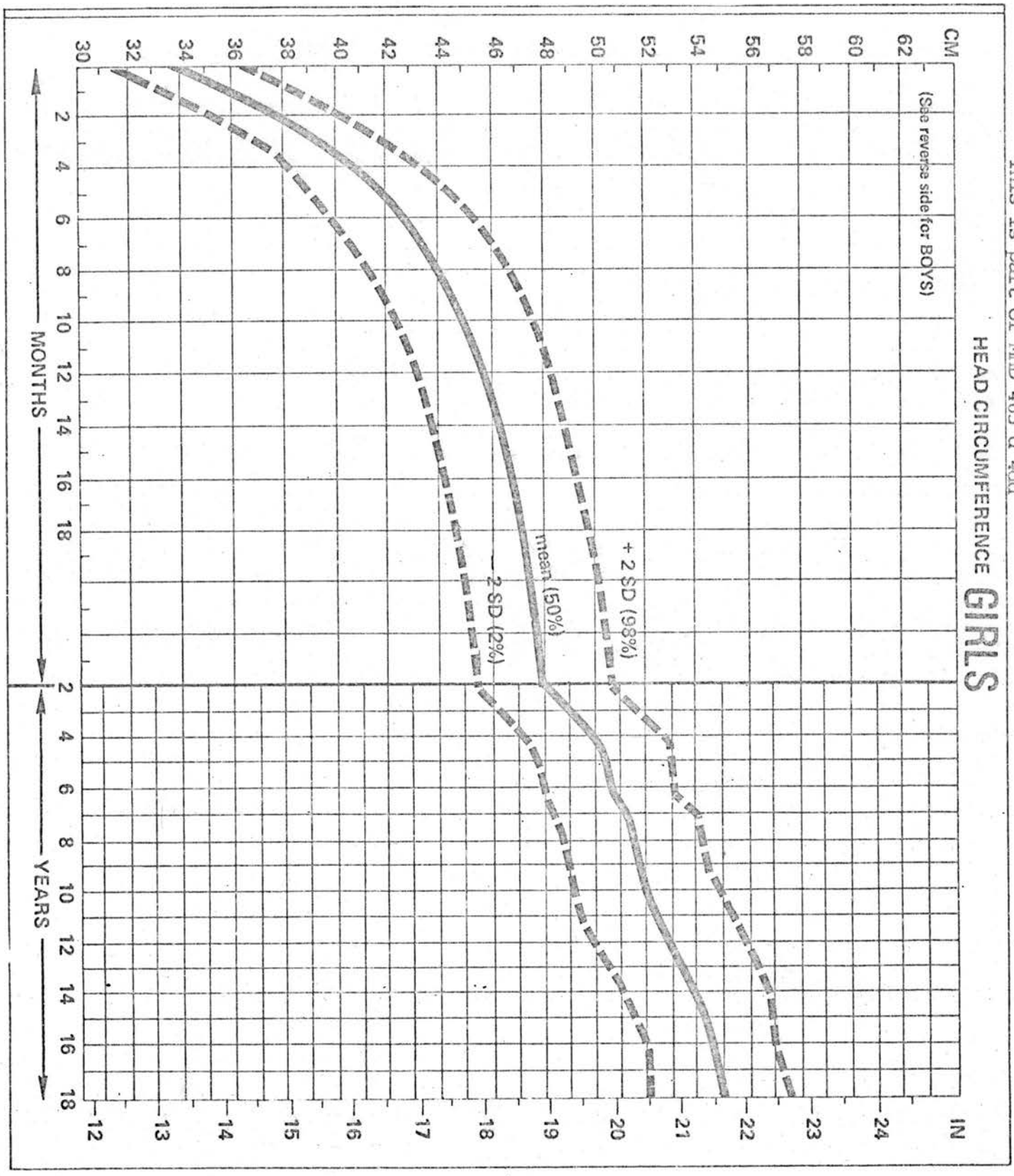


GIRLS

NAME BIRTH DATE NO.



(dd) Inadequate pattern of growth in infants as demonstrated when head circumference plotted on the following grid shows the head circumference to be two or more standard deviations below the mean:



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GIRLS

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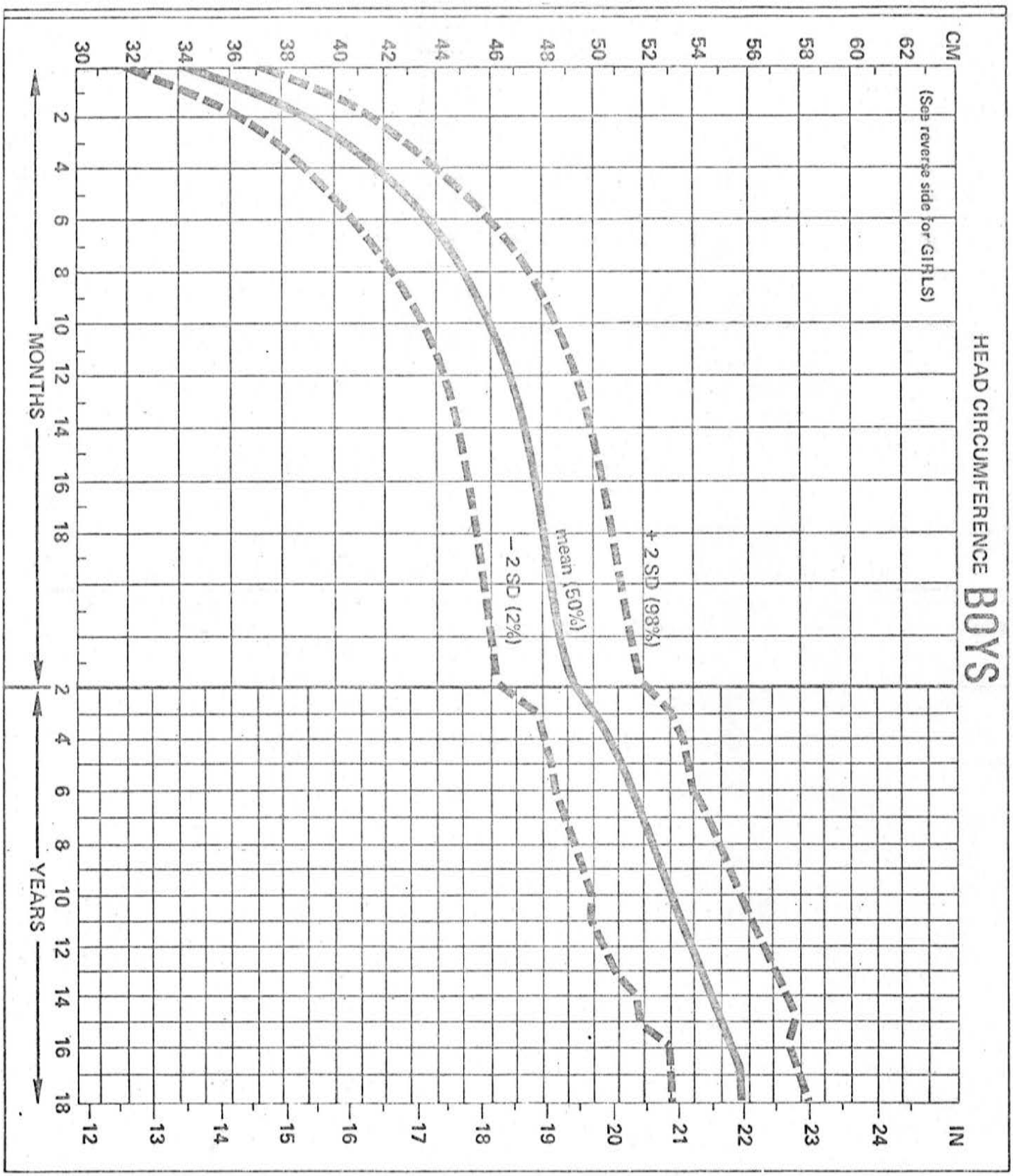

(ee) Inappropriate preconception weight as demonstrated by a preconception weight 10 percent or more below weight for height as shown on the following chart:

Height Barefoot	Weight
4' 9"	92
4' 10"	94
4' 11"	96
5' 0"	99
5' 1"	102
5' 2"	105
5' 3"	108
5' 4"	111
5' 5"	114
5' 6"	118
5' 7"	122
5' 8"	126
5' 9"	130
5' 10"	134
5' 11"	138
6' 0"	142

(ff) Inappropriate preconception weight as demonstrated by a preconception weight twenty percent or more above the weight for height as shown on the following chart:

Height Barefoot	Weight
4' 9"	119
4' 10"	122
4' 11"	125
5' 0"	128
5' 1"	131
5' 2"	134
5' 3"	138
5' 4"	142
5' 5"	146
5' 6"	150
5' 7"	154
5' 8"	158

Height Barefoot	Weight
5' 9"	163
5' 10"	168
5' 11"	173
6' 0"	178

(gg) Inappropriate weight gain during pregnancy as demonstrated by a weight gain of seven pounds or more per month or a weight gain of less than two pounds per month after the first trimester.

(hh) Medical history or finding suggesting nutritional need as shown by a competent professional by one of the following conditions:

(i) Intrauterine growth retardation or difficulty with previous pregnancy that could be nutritionally related such as, but not limited to, five or more pregnancies, two or more spontaneous abortions, less than one year since last delivery, or a neonatal death that may have nutritional cause;

(ii) Pregnant or lactating patient seventeen years of age or under and/or her infant;

(iii) Premature or low birth weight infant or an infant having a sibling with a history showing failure to thrive.

(e) Procedure by which grantee is to provide supplemental foods to certified individuals:

(1) The Board shall provide vouchers to the grantee and the grantee shall provide secure storage of the vouchers until they are issued. The grantee shall issue vouchers to certified individuals on the basis of individual need, but in no case shall exceed the maximum quantity stated in MHD e3.

(2) Upon presentation of vouchers provided by the program grantee, certified individuals may obtain supplemental foods from a vendor. Each voucher shall state the specified food and the maximum quantity of that food that can be provided by the vendor.

(3) Maximum quantities that will be provided for certified individuals through the vouchers are indicated for each food as follows. Substitutions are not allowed.

(aa) For infants:

Foods	Unit	Maximum Number of Units per Month
Iron fortified infant formula	13 fluid oz. can of concentrated liquid, or dry or ready-to-use form in equivalent amount	31
Infant Cereal	8 oz. package	3
Juice, single strength or frozen, concentrated fruit juices in 12 ounce cans, at the same rate or in an equivalent volume in other can sizes	46 fluid oz. can	2 or 15 four ounce cans of infant juice

(bb) For children and pregnant and lactating women:

Foods	Unit	Maximum Number of Units per Month
Whole or skim, fluid milk	fluid quart or evaporated or nonfat dry milk in equivalent amount	31 or 28 units plus one pound cheese or 25 units plus two pounds of cheese
Eggs	dozen	$2\frac{1}{2}$
Cereals	8 ounce package	4
Juice, single strength or frozen, concentrated fruit juices in 12 ounce cans at the same rate or in an equivalent volume in other can sizes	46 fluid ounce can	6

(4) The kinds and specifications of supplemental foods to be made available through voucher are as follows:

(aa) For infants:

(i) Iron fortified infant formula with at least 10 milligrams of iron per liter of formula at standard dilution (which supplies 67 kilocalories per 100 milliliters; i.e., 20 kilocalories per fluid ounce).

(ii) Infant cereal which contains a minimum of 28 milligrams of iron per 100 grams of dry cereal.

(iii) Fruit juice which contains at least 30 milligrams of vitamin C per 100 milliliters.

(bb) For children and pregnant or lactating women:

(i) Whole fluid milk fortified with 400 International Units of vitamin D per quart, or evaporated milk fortified with 400 International Units of vitamin D per reconstituted quart; or skim or low-fat milk fortified with 400 International Units of vitamin A per reconstituted quart, or cheese (Swiss, cheddar or pasteurized process American). Children with milk allergies may continue to receive special formulas provided there is a written request from a physician.

(ii) Cereal (hot or cold) which contains a minimum of 15 milligrams of iron per 100 grams of dry cereal which is not pre-sweetened.

(iii) Fruit or vegetable juice, or both, which contains a minimum of 30 milligrams of vitamin C per 100 milliliters.

(iv) Eggs

(5) Each grantee shall enter into a written contract with local vendors serving the project area. The contract shall require the vendor to agree that:

(aa) the vouchers will be redeemed only for those foods and quantities specified on the voucher;

(bb) the price charged for each item on the voucher will be the same price charged to all purchasers of those items on the days vouchers are redeemed;

(cc) the vendor shall send a monthly statement showing cost of redemption to the grantee;

(dd) the grantee shall pay the vendor monthly upon submission of statement.

(f) Nutrition Information and Counseling

Each grantee shall provide nutrition information and counseling to certified individuals and/or parents or guardians. The grantee shall develop a written plan showing how nutrition information and counseling will be provided. This plan will include an implementation schedule showing the dates by which objectives will be prepared and when the methods are to be put into operation.

(g) Records and Reports

(1) General - Grantees shall maintain full and complete records concerning operation. All such records shall be retained indefinitely unless State Archives approves their destruction. The Board has the right to review and inspect all records at its descretion.

(2) Contract Records - Each grantee shall keep a record of all contracts entered into with local vendors.

(3) Financial Records - Each grantee shall keep complete and accurate records of all funds received and disbursed for the program. All financial disbursement records shall be summarized and submitted in report form monthly to the Board on forms supplied by the Board.

(4) Food Records and Reports - Each grantee shall keep a record of the food issued each month to each certified individual. A monthly summary shall be submitted to the Board on forms supplied by the Board.

(5) Medical Records - The grantee shall record height, weight, and infant head circumference at each certification visit. If hematocrit and/or hemoglobin tests are a routine of the agency, these should also be recorded.

(6) Nutrition Information and Counseling Records - Each grantee shall report quarterly on progress made toward accomplishment of objectives stated in their Nutrition Information and Counseling Plan.

(7) Voucher Records - Vouchers must be accounted for from point of receipt from the Board. A record shall be kept of vouchers issued to certified individuals. Any voucher not intended to be redeemed shall immediately be marked VOID.

(h) Fair Hearing Procedure

Each grantee shall have an established hearing procedure in accordance with the Minnesota Administrative Procedures Act under which a person or his or her parent or guardian can appeal a decision made by the grantee respecting the refusal of the grantee to designate the person as a certified individual.

MHD464 Miscellaneous

(a) Payments to Grantees

The Board shall advance funds to grantees based on the number of certified individuals. This advance of funds shall be made quarterly and is to cover food and allowed administration costs. The dollar amount allowed per participant shall be based on current prices of the supplemental foods. The grantee shall be responsible for costs incurred in excess of the program budget.

(b) Grantee Disqualification

(1) Any grantee may be disqualified from participation if it fails to comply with the provisions of this Act and these rules any/or its contract with the Board.

(2) If, in accordance with the Minnesota Administrative Procedures Act, it is determined that any part of the money received by the grantee was through grantee negligence or fraud or was misused, the grantee shall, on demand of the Board, pay the Board a sum equal to the amount of the money misused or diverted.

(3) If, in accordance with the Minnesota Administrative Procedures Act, the Board determines that any part of the money received by the grantee, or vouchers redeemed with program funds, were lost as a result of thefts, embezzlements, or unexplained causes, the grantee shall, on demand of the Board, pay to the Board a sum equal to the amount of money or the value of the vouchers so lost.

MHD 465 to 470 are reserved for future use.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF HEALTH

In the Matter of Proposed Rules Relating to Fees for Copying Agency Records and Files and to the Procedures, Criteria and Standards Applicable to Processing and Awarding Health Maintenance Organization Grants, Maternal and Child Nutrition Grants and Grants not Governed by Other Procedural Rules for Specific Grant Programs

ORDER FOR HEARING

To effectively implement Minn. Laws 1975, ch. 380 § 1 subd. 3 and § 2 subd. 3; Minn. Laws 1975, ch. 346; and Minn. Stat. §§ 62D.20, 62D.26 to 62D.29 (1974), the Minnesota State Board of Health deems it necessary to consider adoption of the proposed rules captioned above pursuant to the authority vested in it by the above-referenced statutes.

NOW, THEREFORE, IT IS ORDERED this 15 day of December, 1975, that a public hearing on the proposed rules captioned above be held in the Board Room, Minnesota Health Department Building, 717 Delaware Street S.E., Minneapolis, Minnesota on January 20, 1976, 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

BOARD OF HEALTH

Deane H Johnson Asst Comm.

For WARREN R. LAWSON, M.D.
Secretary and Executive Officer

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

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NOTICE OF HEARING

Notice is hereby given that a public hearing will be held pursuant to Minn. Stat. § 15.0412 subd. 4 (1974) as amended by Minn. Laws 1975, ch. 380 § 2 subd. 4 in the above-entitled matter, in the Board Room, Minnesota Department of Health Building, 717 Delaware Street S.E., Minneapolis, Minnesota, on Friday, January 30, 1976, commencing at 9:00 A.M., and continuing until all representatives or other interested groups of persons have had an opportunity to be heard concerning 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.

Under Minn. Stat. § 10A.01 subd. 11 (1974), any individual representing persons or associations attempting to influence administrative action, such as promulgation of the proposed rules and amendments captioned above, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual. The State Ethics Commission is located at 410 State Office Building, Saint Paul, Minnesota 55155.

The Minnesota State Board of Health (hereinafter "Board") proposes to adopt rules relating to the following matters:

1. Fees will be established for the copying of Board or Department of Health records, files, or other official documents not otherwise provided for by law. The proposed fees are:

a. For first copy, $.50

b. For each additional item requested at the same time, $.05

2. Rules implementing the Maternal and Child Nutrition Act of 1975 (Minn. Laws 1975, ch. 346) will constitute the comprehensive state plan and are being promulgated to establish procedures and criteria for those local organizations which seek funds from the Board in order to distribute nutritional supplements to qualifying mothers and children. The major subject areas covered by the rules are:

a. Procedures for review of a grant application and conditions for obtaining a grant including the criteria to be used in evaluating applications and awarding grants.

b. Duties and responsibilities of grantees (i.e., those awarded grants) which include the standards for operating a maternal and child nutrition program qualifying for a grant.

c. Procedures for payment of awarded grant monies.

d. Conditions for grantee disqualification from continued receipt of grant monies and/or restitution of misspent or misused funds.

3. Rules establishing procedures and criteria for the award of grants not governed by other procedural rules for specific grant programs will create the process for allocating federal and state funds in the form of grants to assist in establishing and maintaining community health services. These proposed rules are not intended to prescribe the exclusive procedures and requirements applicable to grants governed by them but instead are in addition to any procedures and requirements specified in the enabling and authorizing laws establishing the grant programs and appropriating money thereto, as well as any other applicable rules. Grants covered by these rules will be available for planning, demonstration, and support purposes. The major subject areas regulated by the rules are:

a. The provision of notice of the availability of funds and the application process.

b. The process and procedures for review of the grant applications and conditions for obtaining a grant including the criteria to be used in evaluating applications and awarding grants.

c. The provision of monitoring the use of a grant and the administration of a grant program.

d. The specification of grantee responsibilities and duties.

e. The provision for grantee disqualification from continued receipt of grant monies and/or restitution of unauthorized expenditures identified by fiscal audit.

The Board, in addition, proposes to adopt amendments to Minn. Rule MHD 376 governing planning grants for health maintenance organizations. The amendments will expand the present rule by covering the following subject areas:

1. The submission of and content of grant applications.
2. The review of applications to include the criteria used in evaluating applications and awarding grants.
3. The award determination
4. The provisions governing the operation of grant projects.
5. The termination of a grant.

Copies of the proposed rules are now available and may be obtained by writing to the Minnesota Department of Health, 717 Delaware Street S.E., Minneapolis, Minnesota 55440, to the attention of the following individuals as appropriate:

1. For the fee for copy rules, Fred King, Section of Administrative Services.
2. For the rules implementing the Maternal and Child Nutrition Act of 1975, Eileen Reardon, Division of Personal Health Services, Nutrition Unit.
3. For the rules covering the award of grants not governed by other procedural rules for specific grant programs, Ernest Kramer, Director, Division of Community Services Development.
4. For the amendments to MHD 376 governing planning grants for health maintenance organizations, Kent Peterson, Division of Health Facilities, HMO unit.

Additional copies will be available at the door on the date of the hearing.

A copy of the procedural rules for the hearing is attached and made a part hereof.

Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand and may be presented either orally or in writing at the public hearing or by mailing a statement to the Secretary and Executive Officer of the Board at the Department of Health Building, address as above. If the person submitting a statement cannot be present to read his statement at the time of the hearing, the statement will be entered into the record. For those wishing to submit written statements or exhibits, it is requested that at least three (3) copies of such statement, exhibit or summary be furnished at the hearing. The record will remain open for receipt of briefs or other written material relative to the proposed rules for twenty (20) days subsequent to the public hearing.

It is suggested that to save time and avoid duplication, those organizations or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests.

Dated: December 15, 1975. STATE OF MINNESOTA
BOARD OF HEALTH

Duane H. Johnson Asst Comm

For WARREN R. LAWSON, M.D.
Secretary and Executive Officer

MINNESOTA STATE BOARD OF HEALTH

PROCEDURAL RULES FOR HEARING

The purpose of the hearing is to allow interested parties to express their views and present facts bearing upon the proposed regulations. So as to provide for an orderly presentation of evidence, the following rules will be in effect during the hearing specified in the attached Notice of Hearing:

1. Anyone wishing to be heard should indicate by signing the speaking sheet, listing his name, address, and the group which he represents. The speaking sheet will be available at the main entrance to the hearing room. It is requested that each group select one speaker only to present its views.

2. The first time the witness makes a statement he should spell his name and identify the group he is representing. Prior to making any subsequent statements he should state his name and the group which he represents. He may be sworn upon his request but it is not required. If he elects not to be sworn, that may be considered in determining the weight to be given to his testimony.

3. By giving testimony, a witness, including one who may also be a member of the panel, subjects himself to questioning by the panel. However, he is subject to cross-examination by non-members of the panel only if he affirmatively consents to being so examined. A refusal to be cross-examined may be considered in determining the weight to be given to his testimony.

4. All parties interested in introducing any written matter may do so by having it marked as an exhibit and then introduced for the record. Unsworn written matter may be received, but the fact that it is unsworn may be considered in determining the weight to be given it.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

In the Matter of Proposed Rules Relating to Fees for Copying Agency Records and Files and to the Procedures, Criteria and Standards Applicable to Processing and Awarding Health Maintenance Organization Grants, Maternal and Child Nutrition Grants and Grants not Governed by Other Procedural Rules for Specific Grant Programs

AFFIDAVIT OF MAILING

Arthur L. Vonberg, being first duly sworn, deposes and says:

That on the ___ day of December, 1975, at the City of Minneapolis, County of Hennepin, State of Minnesota, he served the attached Notice of Hearing by depositing in the United States mail at said City of Minneapolis, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the Certificate of the Secretary of State attached and made a part hereof as Exhibit A, to all persons and associations at the addresses listed on Exhibit B, attached and made a part hereof, as well as to all members of the Minnesota Legislature as of the date of mailing.

Arthur L. Vonberg

Subscribed and sworn to before me this 19 day of December, 1975

Christine A. Kuderka

CHRISTINE A. KUDERKA
Notary Public, Ramsey County, Mn.
My Commission Expires, Nov. 4, 1978

STATE OF MINNESOTA
COUNTY OF HENNEPIN

BEFORE THE MINNESOTA
STATE BOARD OF HEALTH

In the Matter of Proposed Rules Relating to Fees for Copying Agency Records and Files and to the Procedures, Criteria and Standards Applicable to Processing and Awarding Health Maintenance Organization Grants, Maternal and Child Nutrition Grants and Grants not Governed by Other Procedural Rules for Specific Grant Programs

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Under Minn. Stat. § 10A.01 subd. 11 (1974), any individual representing persons or associations attempting to influence administrative action, such as promulgation of the proposed rules and amendments captioned above, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual. The State Ethics Commission is located at 410 State Office Building, St. Paul, Minnesota 55155.

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   b. For each additional item requested at the same time, $.05

2. Rules implementing the Maternal and Child Nutrition Act of 1975 (Minn. Laws 1975, ch. 346) will constitute the comprehensive state plan and are being promulgated to establish procedures and criteria for those local organizations which seek funds from the Board in order to distribute nutritional supplements to qualifying mothers and children. The major subject areas covered by the rules are:

a. Procedures for review of a grant application and conditions for obtaining a grant including the criteria to be used in evaluating applications and awarding grants.

b. Duties and responsibilities of grantees (i.e., those awarded grants) which include the standards for operating a maternal and child nutrition program qualifying for a grant.

c. Procedures for payment of awarded grant monies.

d. Conditions for grantee disqualification from continued receipt of grant monies and/or restitution of misspent or misused funds.

3. Rules establishing procedures and criteria for the award of grants not governed by other procedural rules for specific grant programs will create the process for allocating federal and state funds in the form of grants to assist in establishing and maintaining community health services. These proposed rules are not intended to prescribe the exclusive procedures and requirements applicable to grants governed by them but instead are in addition to any procedures and requirements specified in the enabling and authorizing laws establishing the grant programs and appropriating money thereto, as well as any other applicable rules. Grants covered by these rules will be available for planning, demonstration, and support purposes. The major subject areas regulated by the rules are:

a. The provision of notice of the availability of funds and the application process.

b. The process and procedures for review of the grant applications and conditions for obtaining a grant including the criteria to be used in evaluating applications and awarding grants.

c. The provision of monitoring the use of a grant and the administration of a grant program.

d. The specification of grantee responsibilities and duties..

e. The provision for grantee disqualification from continued receipt of grant monies and/or restitution of unauthorized expenditures identified by fiscal audit.

The Board, [redacted] addition, proposes to adopt a[redacted]dments to Minn. Rule MHD 376 governing planning grants for health maintenance organizations. The amendments will expand the present rule by covering the following subject areas:

1. The submission of and content of grant applications.

2. The review of applications to include the criteria used in evaluating applications and awarding grants.

3. The award determination..

4. The provisions governing the operation of grant projects.

5. The termination of a grant.

Copies of the proposed rules are now available and may be obtained by writing to the Minnesota Department of Health, 717 Delaware Street S.E., Minneapolis, Minnesota 55440, to the attention of the following individuals as appropriate:

1. For the fee for copy rules, Fred King, Section of Administrative Services.

2. For the rules implementing the Maternal and Child Nutrition Act of 1975, Eileen Reardon, Division of Personal Health Services, Nutrition Unit.

3. For the rules covering the award of grants not governed by other procedural rules for specific grant programs, Ernest Kramer, Director, Division of Community Services Development.

4. For the amendments to MHD 376 governing planning grants for health maintenance organizations, Kent Peterson, Division of Health Facilities, HMO Unit.

Additional copies will be available at the door on the date of the hearing.

A copy of the procedural rules for the hearing is attached and made a part hereof.

Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand and may be presented either orally or in writing at the public hearing or by mailing a statement to the Secretary and Executive Officer of the Board at the Department of Health Building, address as above. If the person submitting a statement cannot be present to read his statement at the time of the hearing, the statement will be entered into the record. For those wishing to submit written statements or exhibits, it is required that at least three (3) copies of such statement, exhibit or summary be furnished at the hearing. The record will remain open for receipt of briefs or other

written material relative to the proposed rules for twenty (20) days subsequent to the public hearing.

It is suggested that to save time and avoid duplication, those organizations or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests.

Dated: December 15, 1975.

STATE OF MINNESOTA
BOARD OF HEALTH

s/Duane H. Johnson, Asst. Comm.
WARREN R. LAWSON, M.D.
Secretary and Executive Officer

MINNESOTA STATE BOARD OF HEALTH

PROCEDURAL RULES FOR HEARING

The purpose of the hearing is to allow interested parties to express their views and present facts bearing upon the proposed regulations. So as to provide for an orderly presentation of evidence, the following rules will be in effect during the hearing specified in the attached Notice of Hearing:

1. Anyone wishing to be heard should indicate by signing the speaking sheet, listing his name, address, and the group which he represents. The speaking sheet will be available at the main entrance to the hearing room. It is requested that each group select one speaker only to present its views.

2. The first time the witness makes a statement he should spell his name and identify the group he is representing. Prior to making any subsequent statements he should state his name and the group which he represents. He may be sworn upon his request but it is not required. If he elects not to be sworn, that may be considered in determining the weight to be given to his testimony.

3. By giving testimony, a witness, including one who may also be a member of the panel, subjects himself to questioning by the panel. However, he is subject to cross-examination by non-members of the panel only if he affirmatively consents to being so examined. A refusal to be cross-examined may be considered in determining the weight to be given to his testimony.

4. All parties interested in introducing any written matter may do so by having it marked as an exhibit and then introduced for the record. Unsworn written matter may be received, but the fact that it is unsworn may be considered in determining the weight to be given it.

Exhibit A

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of Proposed Rules
Relating to Fees for Copying
Agency Records and Files and to
the Procedures, Criteria and
Standards Applicable to Processing
and Awarding Health Maintenance
Organization Grants, Maternal and
Child Nutrition Grants and Grants
not Governed by Other Procedural
Rules for Specific Grant Programs

CERTIFICATE

I hereby certify that the 448 general labels and the 2 page list for the Minnesota State Health Department all of which are attached and made a part hereof, constitute the complete lists of persons, associations, and other interested groups who as of 9:45 o'clock A.M., this 17th day of December, 1975, have requested pursuant to Minn. Stat. § 15.0412 subd. 4 (1974) as amended by Minn. Laws 1975, ch. 380 § 2 subd. 4 that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Joan Anderson Growe
SECRETARY OF STATE

JOAN ANDERSON GROWE

By Neil Dion

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BRUBACHER RICHARD COMM ADM
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BURGER ALBERT
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CHAMBER OF COMMERCE
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ELY MN
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55155

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MPLS MN
55402

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55105

COLLIN LAURENCE
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ISANTI MN
55040

CONSUMER SERVICES DEPT COMM
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55101

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55103

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55414

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ST PAUL MN
55101

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SO ST PAUL MN
55075

BARRETT FRED
ST LOUIS CO COURT HOUSE
DULUTH MN

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CAMBRIDGE MN
55008

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55455

BUCHHOLTZ CHARLES
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MPLS MN
55402

CAPITOL NEWS SERVICE
BOX 17035
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55117

CARRISON DALE K
MANKATO STATE COLLEGE
MANKATO MN
56001

CENTRAL BUSINESS DATA
BENSON RADIO ARCADE BLD
BENSON MN
56215

CHAMBERLAIN JOHN L
PO BOX 241
MPLS MN
55440

CHERCHES CHRIS CITY MGR
5005 MTKA BLVD
ST LOUIS PARK MN
55416

CHRYSALIS CENTER FOR WOMEN
2104 STEVENS AVE S
MPLS MN
55404

CITY CLERK
386 CITY HALL
ST PAUL MN
55102

CLAUSEN PHILLIP
2307 STANDISH ST
ST PAUL MN
55108

CLAWSON CONNIE
HELP CENTER 317-17TH AV
MPLS MN

COMMUNITY DESIGN CENTER
118 E 26TH ST
MPLS MN
55404

CONCORDIA COLLEGE
DEAN
MOORHEAD MN
56560

CRAVEN NORMAN
10637 THOMAS AVE S
BLOOMINGTON MN
55431

CROW WING CO PLANNING & A
COURT HOUSE
BRAINERD MN
56401

ALLENDORF MARSHAL
220 GRAIN EX 400 S 4TH
MPLS MN
55415

ANCHOR BLOCK COMPANY
PO BOX 3360
ST PAUL MN
55165

ANDERSON GRAHAM
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COON RAPIDS MN
55433

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PLACEMENT BUR.J.C.BRADY
BEMIDJI MN
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NEWPORT MN
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VOLDNESS PERRY
IDS 8TH & MARQUETTE
MPLS MN
55402

WALD JEAN
5746 SANDER DR
MPLS MN
55417

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ECON LAB OSBORN BLDG
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WIS FEEDER PIG MARKET CO-

FRANCIS CREEK WI

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SWEITZER R L HONEYWELL IN
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TOUCHE ROSS & CO K H STOCKE
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% MINN LEARNING CTR
BRAINERD MN
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55102

RENQUIST ARTHUR NSP CO
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ROE DAVID
175 AURORA
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ROBBIE JOSEPH
904 CARGILL BLDG NO CTR
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55402

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55720

SATHRE, HARVEY
375 MARION STREET
ST PAUL MN
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SAX DOVE & STENSON
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55101

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CONCORDIA COLLEGE
MOORHEAD MN
56560

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415 730 BLDG
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NURSING HOME ADMRS BD EXA
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PAYNE COL ALVIN

DEGRAFF MN
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ST PAUL MN
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BROOKLYN CTR MN
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787 W COTTAGE AVE
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55117

NATL COUNCIL JEWISH WOMEN
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MPLS MN
55416

NATL FAMILY INS CO
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ST PAUL MN
55114

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BELLAIRE TX
77401

NEREN MADONNA
376 NEAL AVE S
AFTON MN
55001

NO SUB MONTESSORI-S SADDLER
2487 HELEN COURT
NO ST PAUL MN
55109

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BATTLE LAKE MN
56515

NUTTER JULIA
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ST PAUL MN
55117

NW BELL TEL CO LEGAL DEPT
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MPLS MN
55402

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
ST PAUL MN
55101

OLD COLONY GAS & OIL COMPANY
17TH AVE N AT 2ND ST
MPLS MN
55411

OTTER TAIL POWER CO.
215 S. CASCADE ST.
FERGUS FALLS MN
56537

PAYNE WM B
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56175

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MECCA
867 GRAND AVE
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55105

MET TFR MEN ASSN A ROSENTHAL
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55104

METROPOLITAN COUNCIL LIBR
300 METRO SQUARE
ST PAUL MN
55155

MILLER TOM
2311 PILLSBURY AVE S
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55404

MPLS CHAMBER COMM TRANSP
15 S 5TH ST
MPLS MN
55402

MPLS TRIBUNE CITY DESK
425 PORTLAND AVE
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55101

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55102

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55403

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METRO SQ 492 7TH & ROBT
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55101

MINN COMMUNITY DEVELOP SE
512 ROSSMOR BLDG
ST PAUL MN
55101

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184 E 6TH ST
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55102

MCFADDEN G H DISPATCH-PRESS
55 E 4TH ST
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55101

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55706

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MANKATO STAT STUDENT SENATE
CENTENNIAL STUDENT UN
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56001

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MPLS MN
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MPLS MN
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55118

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1935 W CO RD 32
ROSEVILLE MN
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PO BOX 69
SHAKOPEE MN
55379

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MPLS MN
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325M CITY HALL
MPLS MN
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STATE CAPITOL
ST PAUL MN
55101

MILLER PAUL J PHARMACY SERV
ST MARYS HOSP
ROCHESTER MN
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GRIGGS-MIDWAY BLDG
ST PAUL MN
55104

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555 WABASHA RM 209
ST PAUL MN
55102

MINN ASSN COOPERATIVES
55 SHERBURNE AVE
ST PAUL MN
55103

MINN ASSN WATERSHED DIST'S

ADA MN
56510

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GRIGGS MIDWAY BLDG
ST PAUL MN
55104

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5041 YVONNE TERRACE
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55436

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7515 WAYZATA BLVD 106
MPLS MN
55426

MINN PETROLEUM COUNCIL
1020 NORTHERN FED BLDG
ST PAUL MN
55102

MINN POULTRY & HATCHERY A
BOX 158
MADELIA MN
56062

MINN RETAIL HARDWARE ASSN
3033 EXCELSIOR BLVD 313
MPLS MN
55416

MINN SOCIETY ARCHITECTS A
NW NATL BK BLDG
ST PAUL MN
55101

MINN STATE BD PHARMACY
717 DELAWARE ST SE #351
MPLS MN
55414

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PO BOX 3215
ST PAUL MN
55165

MINN TEAMSTERS CREDIT UNION
2021 HENN AVE E
MPLS MN
55413

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200 CHRISTIE BLDG
DULUTH MN
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MINN WATER RESOURCES BD
RM 206 555 WABASHA ST
ST PAUL MN
55102

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600 2ND ST
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54016

MOFFITT R C
RM 301 M MPLS CITYHALL
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10200 PENN SO
BLOOMINGTON MN
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55987

MUCK THOS R
160 STATE OFF BLDG
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475 RICE ST
ST PAUL MN
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MPLS MN
55440

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1275 UNIV AVE
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ST PAUL MN
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7801 METRO PKWY
MPLS MN
55420

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407 HWY BLDG
ST PAUL MN
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MINNE MINE CREDIT UNION
3000 HUDSON PK S 100
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55119

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1821 UNIV.
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ST PAUL MN
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2001 UNIVERSITY AVE.
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104

MINN SCC CERTIFIED PUB ACCTS
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100 MINN FED BLDG
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ST PAUL MN
55101

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529 JACKSON ST
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ST PAUL MN
55114

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2175 W HWY 36
ROSEVILLE MN
55113

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3100 HUMBOLT SO
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MN PUB INT RESEARCH GROUP
3036 UNIV AVE SE
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F J SCHULT BLDG
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KOPP MRS VERNON
2050 65TH ST E
INVER GR HGHT MN
55075

KRAMER ERNEST W
717 DELAWARE ST SE
MPLS MN
55440

LAKE SUPERIOR INDUSTRIAL
828 FIRST AM. BK. BLDG.
DULUTH MN
55802

LANSING & OAKES
400 SIBLEY ST
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1200 BUILDERS EXCHANGE
MINNEAPOLIS MN
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LEAGUE WOMEN VOTERS OF MI
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55102

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BAUDETTE MN
56623

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55423

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MPLS MN
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52001

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MPLS MN
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MPLS MN
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MPLS MN
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GREEN GARY J
41 SHERBURNE AVE
ST PAUL MN
55102

GREEN JANET
9773 N SHORE DR
DULUTH MN
55804

GUSTAFSON WALLACE
BOX 567
WILLMAR MN
56201

HANSON ETHEL
2813 85TH AVE N
MPLS MN
55444

HAROLD J WESTIN CONSTRUCT
45 E 8TH ST
ST PAUL MN
55101

HAUN DR J W GEN MILLS
PO BOX 1113
MPLS MN
55440

HAYES, THOMAS W
700 SELLWOOD BLG
DULUTH MN
55812

FLADLAND C[illegible]NTON MN L&P BUR
796 RAYMOND AVE
ST PAUL MN
55114

FLEMING FRELERICK A
18[illegible] HIGHLAND PARKWAY
ST PAUL MN
55116

FORBES GORDON MINN RRS ASSN
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ST PAUL MN
55101

FORSBERG AGR SERV
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PLS MN
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DIEHL JOHN
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ERDMAN ROGER TENNANT CO
701 N LILAC DR
MPLS MN
55441

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ENGELWOOD CLIFFS
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RM 1180 176 E 5TH ST
ST PAUL MN
55101

FELHABER R S
W 1ST NATL BANK BLDG
ST PAUL MN
55101

DAILEY THOMAS ECO[illegible]ICS LAB
370 WABASHA ST
ST PAUL MN
55102

DANKERS, KE[illegible]NETH
1200 WEST [illegible]URTH STREET
RED WING MN
55066

DEVELOP DISABILITIES PROGRAM
STATE PLAN 101 CAP SQ
ST PAUL MN
55155

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MARSHALL MN
56258

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56573

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11140 WASHBURN AVE SO
BLOOMINGTON MN
55431

EMERICK RICHARD A
1908 IDS CENTER
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PO BOX 713
INTL FALLS MN
56649

ERNEST K LEHMANN & ASSOC.
1409 WILLOW ST.
MPLS MN
55403

ESSE KENNETH
4801 W 50TH ST
EDINA MN
55424

EVERETT JERRY NW PETRO ASSN
512 NICOLLET MALL RM917
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2333 UNIV AVE SE
MPLS MN
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1300 NW BANK BLDG
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55402

FARMERS ELEVATOR ASSN
852 GRAIN EXCH BLDG
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FINLEY JAMES F
920 MINN BLDG
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55101

FINNEGAN J.R.
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55101

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Booth, Cold Storage Co., St. Peter & Kellogg, St. Paul

Branson, Lindley S., 300 Roanoke Bldg., Mpls 55402

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Cassell, Dr. Carl V.E., MN State Dental Ass'n, 2236 Marshall Ave, St. Paul 55101

Deephaven, Montessori School, Inc. 188 S Circle A Dr., Wayzata 55391

Environment Reporter, 1231 25th St, N.W., Washington D.C.

40 Club, Aitkin 56431

Hawley, Lyle, Graco, P.O. Box 1441, Mpls 55440

Higgins, J.C., Brotherhood Rwy. Clerks, 2317 W. 7th St., Duluth

Houghton, Charles, Vendo, 7246 Troost Ave, Kansas City, MO 64131

Janke, John R., Burger Chef Systems, Inc., 250 N St., White Plains, New York 106

Kurtz, Mrs.Kirsten, MN Nurses Ass'n, 1821 Univ Ave, St. Paul 55104

Markham, B.B., 2250 IDS Center, 80 S 8th St, Mpls 55402

Merck & Co, Inc., Rahway, N.J., Att: Off of Gen Counsel

Mpls & Henn County Mental Health Clinic, 619 S 5th St, Mpls 55415

MN Nurses Ass'n, Att: Geraldine Wedel, 1821 Univ Ave,Rm 152, St. Paul 55104

MN State Pharmaceutical Ass'n, 2388 Univ Ave, St. Paul 55104
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Moore, Roger, 115 Forestview Lane, No., Mpls, Mn. 55441

Parke, Davis & Company, P.O. Box 118, Detroit Michigan 48120

Patrick, Peter, 101 Central Ave, S.E., Mpls 55414

Perso, E.R., 4411 Branson St, Mpls 55424

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Wahl, Jack, Inver Hills Comm College, Inver Grove Heights 55075

Walgreen, J.E. Krahulec, 4300 Peterson, Ave, Chicago Ill 60646

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HOTELS, RESORTS, RESTAURANTS

U.S. Soil Conservation Serv., 517 Red Courts Bldg, St. Paul (trailer parks, etc)

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Jensen, Mrs.Gaynold	111 West 107th St.	Mpls.	Mn.	55420
Heaney, Bill	30 W. Superior St.	Duluth	Mn.	55802
Vandervoort,T.J.-Met. Waste Cont.	350 Metro Square Bldg	St.Paul	Mn.	55101

Exhibit B

PROPOSED RULES OF STATE BOARD OF HEALTH RELATING TO THE
MATERNAL AND CHILD NUTRITION ACT OF 1975
MHD 461-470

SUPPLEMENTARY LIST

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The Honorable Phyllis Kahn
House of Representatives
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STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF HEALTH

In the Matter of Proposed Rules Relating to Fees for Copying Agency Records and Files and to the Procedures, Criteria and Standards Applicable to Processing and Awarding Health Maintenance Organization Grants, Maternal and Child Nutrition Grants and Grants not Governed by Other Procedural Rules for Specific Grant Programs

STATEMENT OF NEED

All of the above-captioned rules except for those relating to the award of health maintenance organization grants, are new rules being proposed by the State Board of Health (hereinafter "Board"). The health maintenance organization rules were initially adopted and duly filed on April 8, 1974, with amendments taking effect on October 18, 1974.

The need to adopt these rules arises because of the necessity of complying with Minn. Stat. § 15.0412 subd. 3 as amended by Minn. Laws 1975, ch. 380 § 2 subd. 3. That section reads:

> Each agency shall adopt rules setting forth the nature and requirements of all formal and informal procedures related to the administration of official agency duties. Procedures concerning only internal management which do not directly affect the rights of or procedures available to the public need not be adopted as rules.

In addition, the Legislature in enacting Minn. Laws 1975, ch. 380 § 1 subd. 3 amended the definition of rule to read in pertinent part:

> "Rule" includes every agency statement of general applicability and future effect, including the amendment, suspension, or repeal thereof, made to implement or make specific the law enforced or administered by it or to govern its organization or procedure . . . .

Through the adoption of the rules captioned above, the Board intends to prescribe how it will implement, enforce and administer the areas covered by the rules in addition to specifying the nature and requirements of all formal and informal procedures which are related to the administration of official agency duties and which directly affect the rights of or procedures available to the public with respect to the programs and subject areas governed by the proposed rules.

The specific need to adopt the fee for copy rules is to clarify exactly what will be charged the public when requesting copies of Board or Department records, files, or other official documents.

The specific need to adopt the amendment to Minn. Rule MHD 376 on Planning Grants is to comply with Minn. Stat. § 62D.20 (1975) which permits the Board to promulgate rules which are necessary and proper to carry out the provisions of the Health Maintenance Act of 1973. The Act recognized the need for specific rule provisions relating to planning grants by expressly permitting the Board, in Minn. Stat. § 62D.27 subd. 1 (1975), to delineate the terms and conditions for the issuance of planning grants. Clearly, it is also proper to address the administration of the grant and to note the conditions under which a grant could be terminated. This proposed rule will advise any grant applicant of the actions required of it and the standards it must meet in order to receive and maintain a health maintenance organization grant.

The specific need to adopt the Maternal and Child Nutrition Grant rules is to comply with the legislative mandate contained in Minn. Laws 1975, ch. 436 § 4 which requires that the Board promulgate all rules necessary to implement the Maternal and Child Nutrition Act of 1975. These rules will establish the procedures and criteria that must be met by local organizations in order to receive grant funds from the Board. The rules also specify program requirements such as for the certification process for determination of individuals eligible for supplemental food.

The specific need to adopt the remaining set of rules relating to the award of grants not governed by other procedural rules for specific grant programs is to specify the procedures, criteria and standards applicable to processing of grant applications and awarding the grants involved. In this way those interested members of the public will have the opportunity to comment upon rules which will apply to them and will have proper notice of what is required and expected of them.

The statutory authority for promulgation of the general grant rules and the fee for copy rules is the general authority contained in Minn. Stat. § 15.0412 subd. 3 as amended by Minn. Laws 1975, ch. 380 § 2 subd. 3.

Dated: January 29, 1976. STATE OF MINNESOTA

BOARD OF HEALTH

WARREN R. LAWSON, M.D.
Secretary and Executive Officer

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF HEALTH

In the Matter of Proposed Rules Relating to Fees for Copying Agency Records and Files and to the Procedures, Criteria and Standards Applicable to Processing and Awarding Health Maintenance Organization Grants, Maternal and Child Nutrition Grants and Grants not Governed by Other Procedural Rules for Specific Grant Programs

APPOINTMENT OF HEARING OFFICER

David Giese is hereby appointed to serve as hearing officer on behalf of the State Board of Health in the above-captioned matter, said hearing to be held on January 30, 1975, and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

This appointment is made pursuant to the following authority: Minn. Stat. § 144.03 (1974) and resolution of the State Board of Health, adopted at its meeting on December 11, 1975.

STATE OF MINNESOTA

BOARD OF HEALTH

Duane H. Johnson Asst Comm

For WARREN R. LAWSON, M.D.
Secretary and Executive Officer

Dated: December 15, 1975.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

In the Matter of the Proposed Adoption, Amendment, or Revision of the Rules of the Minnesota State Board of Health

AFFIDAVIT OF MAILING

Janis Broz, being first duly sworn, deposes and says:

That on the 29th day of August, 1975, at the City of Minneapolis, County of Hennepin, State of Minnesota, she served the attached Notice of Intent to Obtain Information on Proposed Rules from Non-Agency Sources by depositing in the United States mail at said City of Minneapolis, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addressess listed on the Certificate of the Secretary of State attached and made a part hereof as Exhibit A, as well as to all members of the Minnesota Legislature as of the date of mailing.

Janis Broz

Subscribed and sworn to before me this 29th day of August, 1975.

Marie B. Tromiczak

MARIE B. TROMICZAK
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Commission expires Oct. 9, 1980

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF HEALTH

In the Matter of the Proposed Adoption, Amendment or Revision of the Rules of the Minnesota State Board of Health.

NOTICE OF INTENT TO OBTAIN INFORMATION ON PROPOSED RULES FROM NON-AGENCY SOURCES

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Minnesota Laws 1975, Chapter 380, section 2, subdivision 6, that the Minnesota State Board of Health will propose the adoption of new rules on the subjects noted below (items A through G) and the amendment and revision of the existing rules noted below (items H through K).

All interested parties desiring to submit data or views relating to the proposed adoption, amendment or revision of the rules noted below should address their comments (either written or oral) to the Minnesota Department of Health (717 Delaware Street S.E., Minneapolis, Minnesota 55440) by writing or calling the persons designated. Any evidence submitted for consideration should be pertinent to the matter at hand. Any written material received by the Department of Health will become part of the hearing record.

A. Rules implementing the provisions of Minnesota Laws 1975, Chapter 211, also known as the Minnesota Clean Indoor Air Act.

Contact: Kent Peterson
Phone: (612) 296-5365

B. Rules relating to the control and regulation of clinical laboratories.

Contact: Division of Medical Laboratories
Attn: Dr. Henry Bauer
Phone: (612) 296-5241

C. Rules relating to the transfer of patient's x-ray records.

Contact: Dr. Ellen Z. Fifer
Assistant Commissioner for Programs
Phone: (612) 296-5391

D. Rules relating to the distribution of monies to aid in the construction of water filtration and purification plants and systems for those communities using Lake Superior as a drinking water source under the state grant program established by Minn. Laws 1975, Chapter 437, Art. XI, §2, subd. 2.

Contact: Division of Environmental Health
Attn: Fred Heisel
Phone: (612) 296-5320

E. Rules implementing the provisions of Minnesota Laws 1975, Chapter 346, also known as the Maternal and Child Nutrition Act of 1975.

Contact: Division of Personal Health Services
Section of Maternal and Child Health
Attn: Dr. Ronald Campbell
Phone: (612) 296-5265

F. Rules relating to the approval of laboratories performing bacteriological examinations of water.

Contact: Division of Environmental Health
Analytical Services Section
Attn: Russell Frazier
Phone: (612) 296-5300

G. Rules relating to the establishment of application procedures for the credentialing of allied health manpower groups.

Contact: Section of Allied Health Manpower
Attn: Corrine Larson
Phone: (612) 296-5393

H. MHD 44-71, Rules of the Minnesota State Board of Health for the construction, equipment, maintenance, operation and licensing of nursing homes and boarding care homes, and for the establishment of levels of assessments for violations of the regulations.

Contact: Division of Health Facilities
Attn: H. Michael Tripple
Phone: (612) 296-5294

I. MHD 76-116, Rules of the Minnesota State Board of Health for the construction, equipment, maintenance, operation and licensing of hospitals, and for the establishment of levels of assessments for violations of the regulations.

Contact: Division of Health Facilities
Attn: Janet Brodahl
Phone: (612) 296-5440

J. MHD 21-35, Rules of the Minnesota State Board of Health relating to Morticians, Funeral Directors, and the Disposition of the Dead.

Contact: Mortuary Science Unit
Attn: Eugene Larson
Phone: (612) 296-5491

K. MHD 181, Rule of the Minnesota State Board of Health relating to the limitation of the use of x-ray machines in the screening for detection and evaluation of health conditions.

Contact: Division of Environmental Health
Attn: Alice Dolezal
Phone: (612) 296-5323

Any materials submitted shall be reviewed and considered by the Department of Health during the preparation of the proposed rules. Notice of the public hearing on the proposed rules shall be given to all interested parties in accordance with the provisions of the Administrative Procedures Act.

Under the provisions of Minn. Stat. § 10A.01, subd. 11 (1974), any individual representing persons or associations attempting to influence administrative action, such as the promulgation of these proposed rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual. The State Ethics Commission is located at Room 401, State Office Building, Saint Paul, Minnesota 55155.

Dated: August 20th, 1975

STATE OF MINNESOTA
BOARD OF HEALTH

WARREN R. LAWSON, M.D.
Secretary and Executive Officer

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed
Adoption, Amendment, or
Revision of the Rules of the
Minnesota State Board of Health.

CERTIFICATE

I hereby certify that the 437 general labels and 1 sheet list for the Minnesota State Health Department all of which are attached and made a part hereof, constitute the complete lists of persons, associations, and other interested groups who as of 11:30 O'clock A.M., this 25th day of August, 1975, have requested pursuant to Minn. Stat. ss 15.0412 subd. 4 (1971), that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Joan Anderson Growe
SECRETARY OF STATE

JOAN ANDERSON GROWE

By Carl Dunn

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55101

ALLENDORF MARSHALL
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ASSN RESIDENCES FOR RETARDED
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55101

HUNT JAMES P JR
11470 GALTIER DR
BURNSVILLE MN
55378

INGEBRIGTSEN DR K H
23 SE 4TH ST
MPLS MN
55414

ISCE LOC 49 CHAS SWENSON
2500 UNIV AVE
ST PAUL MN
55101

JACKMAN DONALD G
4023 E LAKE ST
MPLS MN
55406

JOHNSON & SANDERSON
ST MARYS HOSPITAL
ROCHESTER MN
55901

JOHNSON LANCE J
265 S LAFAYETTE RD

HEALTH MANPOWER C LARSON
717 DELAWARE ST SE
MPLS MN
55440

HARTFELDT WILL
434 HAMM BLDG
ST PAUL MN
55102

HEISENFELT WM
BOX 516
BEMIDJI MN
56601

HOLDAHL SCOTT
380 N BLDG GRAIN EXCH
MPLS MN
55415

HORNER WALDORF - KAZIUKEWICZ
PO BOX 3200
ST PAUL MN
55165

HULSTRAND ANDERSON & LARSON
PO BOX 130
WILLMAR MN
56201

HUTCHISON R.M. ANOKA CO.COMP
COURT HOUSE
ANOKA MN
55303

INGVALSON VERN MN.FARM BUR.
3110 WOODDALE DR PO 337
OST PAUL MN
55165

IVERSON DR JOS DEPT ED
ST OLAF COLLEGE
NORTHFIELD MN
55057

JAIN NIRMAL ENIV PROCESS
1220 GLENWOOD AVE
MPLS MN
55405

JOHNSON CLARENCE IBEW LU 292
3615 37TH AVE S
MPLS MN
55406

HENTHORN GARY WOODSTOCK
7365 LANDAU DR
BLOOMINGTON MN
55438

HEAD & TRUHN
1007 SOO LINE BLDG
MPLS MN
55402

HICHINGER-MARK PLANNING
421 WABASHA ST
ST PAUL MN
55102

HOLEY GEO AERONAUTICS
DOWNTOWN AIRPORT
ST PAUL MN
55107

HOULE MELVIN
881 W HWY 96
SHOREVIEW MN
55112

HULTMAN WARREN R
C/O BARBAROSSA R3
OSSEO MN
55369

HYLAND DEAN
1501 W 50TH ST
MPLS MN
55419

INS FED OF MINN
902 SOO LINE BLDG
MPLS MN
55402

IZAAK WALTON LEAGUE MN DI
106 TIMES BLDG 57 S 4TH
MPLS MN
55401

JENOS INC
525 LAKE AVE SO
DULUTH MN
55801

JOHNSON LEROY
9939 BLUEBIRD ST NW
COON RAPIDS MN
55433

KABLE RICHARD W

KAEMPFER RICHARD
1220 NORTHERN PLD BLDG
ST PAUL MN
55102

KEABLE MIKE
505 6TH AVE N
ST CLOUD MN
56301

KEENAN RICHARD J
4444 IDS BLDG
MPLS MN
55402

KIMBALL ROBERT
647 CAPITOL SQ BLDG
ST PAUL MN
55101

KING,TIMOTHY
3333 OAKLAND AVE S
MPLS MN
55407

KLESTER MARION PEAVEY CO
730 2ND AVE S
MPLS MN
55402

KLOZ STEVEN J
1910 1ST NATL BK BLDG
MPLS MN
55402

KNOPP TIMOTHY
COLLEGE FORESTRY U OF M
ST PAUL MN
55108

KNUTSON DR KEITH,BIOLOGY DPT
ST CLOUD STATE
ST CLOUD MN
56301

KNUTSON R N GRANNIS ETAL
F J SCHULT BLDG
ST ST PAUL MN
55075

KNUDSON ROBT
4375 BROWNDALE AVE
MPLS MN
55424

KOLLER MR & MRS ERWIN A
1568 DULUTH ST
ST PAUL MN
55108

KOPP MRS VERNON
2050 65TH ST E
INVER GR HGHT MN
55075

KRAMER ERNEST H
717 DELAWARE ST SE
MPLS MN
55440

KRONLOKKEN J E
10048 NORD RD
BLOOMINGTON MN
55437

LAKE SUPERIOR INDUSTRIAL BUR
328 FIRST AM. BK. BLDG.
DULUTH MN
55802

LANAHAN E F - SIBLEY CO
184 E 6TH ST
ST PAUL MN
55101

LANGVIN DAVID
7900 80TH ST S
COTTAGE GROVE MN
55016

LANSING & OAKES
400 SIBLEY ST
ST PAUL MN
55101

LAPP LAZAR LAURIE ET AL
1200 BUILDERS EXCHANGE
MINNEAPOLIS MN
55402

LARSON C L
3800 MINNEHAHA AVE SO
MPLS MN
55406

LARSON HANS P DIV HOSP SERV
717 DELAWARE ST SE
MPLS MN
55440

LEAGUE MN MUNIC
300 HANOVER 480 CEDAR
ST PAUL MN
55101

LEAGUE WOMEN VOTERS OF MINN
555 WABASHA
ST PAUL MN
55102

LIBBEY LEONARD
BOX 17011 NOKOMIS STA
MPLS MN
55417

LINDALL & JONATHAN DEVELOP.
VILLAGE ONE CENTER
CHASKA MN
55318

LOCKNER GARY
R R 1 BOX 23
BAUDETTE MN
56623

LOOS CALVIN J
6009 LYNDALE AVE SO
MPLS MN
55423

LOWE DOUG
2701 N LEXINGTON AVE
ROSEVILLE MN
55113

LYNCH DONALD SIBLEY CO
184 E 6TH ST
ST PAUL MN
55102

MCDONALD PHILIP M
2077 SELBY AVE
ST PAUL MN
55104

MCFADDEN G H DISPATCH-PRESS
55 E 4TH ST
ST PAUL MN
55101

MCKIBBON MRS SHIRLEY
11 EVERGREEN LN
BABBITT MN
55706

MCLELLAN LARKIN
215 ADM BLDG ST CAPITOL
ST PAUL MN
55101

MALONE E I COMM LABOR & INDU
444 LAFAYETTE RD 5TH FL
ST PAUL MN
55101

MANKATO STAT STUDENT SENATE
CENTENNIAL STUDENT UN
MANKATO MN
56001

MANKATO STATE STUDENT AS
BOX 58 MANKATO COLLEGE
MANKATO MN
56001

MANTHEY T J PICKANDS MATHER
1100 SUPERIOR AVE
CLEVELAND OH
44114

MASTOR & MATTSON LTD
315 PEAVEY BLDG
MPLS MN
55402

MAUL WARREN E
320 S 4TH ST
MPLS MN
55415

MAYO FOUNDATION G ORHOLL
200 FIRST AVE NW
ROCHESTER MN
55901

McCCA
867 GRAND AVE
ST PAUL MN

METEROTTO, JOAN
1754 SO LEXINGTON
ST PAUL MN

McRITT GRANT POLLUTION CONT
1935 W CO RD 32
ROSEVILLE MN

MET TFR MEN ASSN A ROSENT
1621 UNIV AVE
ST PAUL MN

MINN STATE MED ASSN
575 JACKSON ST
ST PAUL MN
55101

MINN STATE RETIREMENT SYSTEM
529 JACKSON ST
ST PAUL MN
55101

MINN TEAMSTERS CREDIT UNION
2021 HENN AVE E
MPLS MN
55413

MINN TBR PRODUCERS ASSN
200 CHRISTIE BLDG
DULUTH MN
55802

MINN.TURKEY GROWERS ASSN
2303 UNIV AVE
ST PAUL MN
55114

MINN VETERANS MED ASSN
2175 W HWY 36
ROSEVILLE MN
55113

MINN WATER RESOURCES BD
RM 200 555 WABASHA ST
ST PAUL MN
55102

MINN-WISC BOUNDARY AREA C
600 2ND ST
HUDSON WI
54016

MN PUB INT RESEARCH GROUP
3036 UNIV AVE SE
MPLS MN
55414

MOFFITT R.C. DIR.ENV.CONTROL
MPLS.CITY HALL RM 301M
MPLS MN
55415

MOOD R BLOOMINGTON HLTH DEPT
10200 PENN SQ
BLOOMINGTON MN
55431

MOONEY, MICHAEL A.
BOX 903, ST.JOHN'S UNIV
COLLEGEVILLE MN
56321

MORTON BUILDINGS INC
N #1
FOLEY MN
56329

MPIRG
BOX 45 ST MARYS COLLEGE
WINONA MN
55987

MUELLER SHIRLEY A
787 W COTTAGE AVE
ST PAUL MN
55117

NASS GEO V HENN CO GEN HOSP
5TH AND PORTLAND AVE
MPLS MN
55415

NATL CAR RENTAL ATT D MITZEL
5501 GREEN VALLEY DR
MPLS MN
55437

NATL COUNCIL JEWISH WOMEN
4330 CEDAR LK RD
MPLS MN
55416

NATL FAMILY INS CO
2147 UNIV AVE
ST PAUL MN
55114

NAT'L SOLID WASTES-R. GRASSO
1730 RHODE ISLAND AV.NW
WASHINGTON DC
20036

NCEC INC C/O DR DAHLBERG
CONCORDIA COLLEGE
MOORHEAD MN
56560

NELSON DONALD E NSP CO
414 NICOLLET AVE
MPLS MN
55401

NEDELL HAROLD - MEINEKE
6300 W LOOP S SUITE 200
BELLAIRE TX
77401

NESBITT JOHN
7001 METRO PKWY S 110
MPLS MN
55420

NELMAN RALPH W
RT 2 BOX 125
EMBARRASS MN
55732

NIELSEN STOCK & BLACKBURN
415 730 BLDG
MPLS MN

NO SUB MONTESSORI-S SADDL
2467 HELEN COURT
NO ST PAUL MN
55109

NORTH CENTRAL ELEC ASSN
PO BOX 202
BATTLE LAKE MN
56515

NW COUNTRY ELEVATOR ASSN
602 GRAIN EXCH BLDG
MPLS MN
55415

NURSING HOME ADMRS BD EXAMRS
RM 340 717 DELAWARE SE
MPLS MN
55414

NUTTER JULIA
743 W MONTANA
ST PAUL MN
55117

NW BELL TEL CO LEGAL DEPT
224 S 5TH ST RM 2000
MPLS MN
55402

NYCLIST DEAN A
3707 53RD PL N
BROOKLYN CTR MN
55429

O'BRIEN J.DENNIS
1100 1ST NATL.BANK BLDG
MINNEAPOLIS MN
55402

OCONNOR GREEN THOMAS ET A
845 NW BANK BLDG
MPLS MN
55402

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
ST PAUL MN
55101

OLL COLONY GAS & OIL COMPANY
17TH AVE N AT 2ND ST
MPLS MN
55411

OLOFSON ARTHUR M90 & MAINC
927 SOO LINE BLDG
MPLS MN
55402

OSTRUM DONALD E
PO BOX 33163
COON RAPIDS MN
55433

OTTER TAIL POWER CO.
215 S. CASCADE ST.
FERGUS FALLS MN
56537

PATTISON ORVIS
BOX 645
WILLMAR MN
56201

PAYNE COL ALVIN
DEGRAFF MN
56233

PAYNE WM B
2400 FIRST NATL BK BLDG

PETERSON JOHN W
510 NW BK BLDG

PETERSON GARY
854 MIDLAND BK BLDG

PFEIFER AND SHULTZ, INC
1433 UTICA AVE S

METROPOLITAN COUNCIL LIBRARY
300 METRO SQUARE
ST PAUL MN
55155

MIDLAND GLASS- HD SPURLING
PO BOX 69
SHAKOPEE MN
55379

MILLER RICHARD A
1020 PLYMOUTH BLDG
MPLS MN
55402

MILLER TOM
2311 PILLSBURY AVE S
MPLS MN
55404

MPLS CHAMBER COMM TRANSP DPT
15 S 5TH ST
MPLS MN
55402

MPLS CITY ATTORNEY
325M CITY HALL
MPLS MN
55415

MPLS STAR PRESS ROOM
STATE CAPITOL
ST PAUL MN
55101

MPLS TRIBUNE CITY DESK
425 PORTLAND AVE
MPLS MN
55415

MILLAND GLASS-HD SPURLING
PO BOX 69
SHAKOPEE MN
55379

MILLER PAUL J PHARMACY SERV
ST MARYS HOSP
ROCHESTER MN
55901

MINN APT ASSN
GRIGGS-MIDWAY BLDG
ST PAUL MN
55104

MN. ASN.CEIND H.D.PETERSO
480 CEDAR ST.
ST.PAUL MN
55101

MINN AFL-CIO, L U LA SHOMB
414 AUDITORIUM ST
ST. PAUL MN
55102

MINN ASPHALT PAVEMENT ASSN
555 WABASHA RM 209
ST PAUL MN
55102

MINN ASSN COOPERATIVES
55 SHERBURNE AVE
ST PAUL MN
55103

MINN ASSN ELEC COOPERATIV
4901 W 77TH ST
MPLS MN
55435

MINN. ASSN. PET RETAILERS
1115 2ND AVE. SO.
MINNEAPOLIS MN
55403

MINN ASSN WATERSHED DIST'S
ADA MN
56510

MINN AUTOMOBILE DEALERS ASSN
GRIGGS MIDWAY BLDG
ST PAUL MN
55104

MINN COMM FOR HANDICAPPED
METRO SQ 492 7TH & ROBT
ST PAUL MN
55101

MINN COMMUNITY DEVELOP SERV
512 ROSSMOR BLDG
ST PAUL MN
55101

MINN COUNCIL STATE EMP NO 6
475 RICE ST
ST PAUL MN
55103

MINN DEPT HEALTH J C MCKASY
717 DELAWARE S E
MPLS MN
55440

MINN DENTAL HYGIENISTS
5041 YVONNE TERRACE
MPLS MN
55436

MINN ELECTRICAL ASSN INC
525 SO 7TH
MPLS MN
55415

MINN ENV LAW INST INC
PO BOX 15076 COMM STA
MPLS MN
55415

MINN FARMERS UNION PRES OFF
1275 UNIV AVE
ST PAUL MN
55104

MINN FOOD RETAILERS ASSN
555 WABASHA
ST PAUL MN
55101

MINN HEREFORD-LJ SCHAFER
BUFFALO LAKE MN
55314

MINN. HOTEL & MTR. ASSN
2001 UNIVERSITY AVE
ST PAUL MN

MINN HOUSING INST N T CARTER
7601 METRO PKWY
MPLS MN
55420

MINN HWYS MANAGEMENT SERV
407 HWY BLDG
ST PAUL MN
55101

MINN LAND USE COMMITTEE
4344 IDS CENTER
MPLS MN
55402

MINN LP GAS ASSN
7515 WAYZATA BLVD 106
MPLS MN
55426

MINNE MINE CREDIT UNION
3000 HUDSON PK S 100
ST PAUL MN
55119

MINN.MTR.TRANSP. .J.N.D
1821 UNIV.
ST.PAUL MN
55104

MINN PETROLEUM COUNCIL
1020 NORTHERN FED BLDG
ST PAUL MN
55102

MINN POULTRY & HATCHERY ASSN
BOX 156
MADELIA MN
56062

MN REP STATE CENTRAL COMM
555 WABASHA AVE
ST PAUL MN
55102

MINN RESTAURANT ASSN
2001 UNIVERSITY AVE.
ST PAUL MN 55
104

MINN RETAIL FEDERATION
7600 PARKLAWN STE 457
MPLS MN
55435

MINN RETAIL HARDWARE ASSN
3033 EXCELSIOR BLVD 313
MPLS MN
55416

MINN SCH BUS OPERATORS ASSN
FARIBAULT MN
55021

MINN SOCIETY ARCHITECTS A
NW NATL BK BLDG
ST PAUL MN
55101

MINN SOC CERTIFIED PUB ACCTS
1102 WESLEY TEMPLE BLDG
MPLS MN

MINN STATE BAR ASSN
100 MINN FED BLDG
MPLS MN

MINN STATE BD PHARMACY
717 DELAWARE ST SE #351
MPLS MN

MINN STATE CAPITOL EMP UN
PO BOX 3215
ST PAUL MN

PHAR MFGRS ASSN-WM C PATTON
1155 15TH ST NW
WASHINGTON DC DC
20005

PHILLIPS LEGISLATIVE SERVICE
459 RICE ST
ST PAUL MN
55103

PINNETTI NICK M HALEY & ASS.
40 CENTRAL PARK S
NEW YORK NY
10019

POPOVICH PETER S
314 MINN BLDG
ST PAUL MN
55101

PORTER LYLE O

TRACY MN
56175

PORT AUTH CITY OF ST PAUL
330 MINNESOTA BLDG
ST PAUL MN
55101

POSS DONALD G
6301 SHINGLE CREEK PKWY
BROOKLYN CTR MN
55430

POYZER ROBT
BOX 675
FERGUS FALLS MN
56357

PRAUSE JOS.C.
2220 105TH AVE.N.W.
COON RAPIDS MN
55433

PROCTOR&GAMBLE C THECHAROUS
IVORYDALE TECH CENTER
CINCINNATI OH
45217

PULSCHER ROBT SPRINGSTED INC
613 OSBORN BLDG
ST PAUL MN
55102

QUINN E W
903 MAY BLDG
ST PAUL MN
55155

RADMAN RICHARD-LABOR TEMPLE
418 AUDITORIUM
ST PAUL MN
55102

RANALLO CLARENCE
800 CENTRAL AVE N E
MPLS MN
55413

RAUENHORST CORP-C ANDERSON
7900 XERXES S. S-2200
MPLS MN
55431

RED OWL STORES INC
215 E EXCELSIOR AVE
HOPKINS MN
55343

REID DAVID H
5933 WASHBURN AVE S
MPLS MN
55410

RENNER R.H. ST PAUL AREA
300 OSBORN BLDG.
ST PAUL MN
55102

RAMSEY CO MEDICAL SOCIETY
1300 LOWRY MEDICAL BLDG
ST PAUL MN
55102

RICHARDSON THOS
7851 METRO PKWY S 103
MPLS MN
55420

RICHARDS MONTGOMERY ET AL
1430 RAND TOWER
MPLS MN
55402

ROE DAVID
175 AURORA
ST PAUL MN
55103

ROBBIE JOSEPH
904 CARGILL BLDG NO CTR
MPLS MN
55402

ROBERTS DAVID E
1260 NW NATL BK BLDG
ST PAUL MN
55101

ROSS ALFRED
6356 WAKE RD
LINO LAKES MN
55014

RUDY FLOYD
118 AVE C
CLOQUET MN
55720

SAN SIMEON DEVELOP CORP
OLD 1ST STATE BK BLDG
PAYNESVILLE MN

SANFORD S M
7000 PORTLAND AVE
RICHFIELD MN
55423

SATHRE, HARVEY
375 MARION STREET
ST PAUL MN
55103

SAX DOVE & STENSON
310 ENDICOTT BLDG
ST PAUL MN
55101

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 MN
55101

ST PAUL FOOD RETAILERS AS
1220 ARCADE
ST PAUL MN
55106

SCARBOROUGH WILLIAM
DIV.ED. U.M.
MORRIS MN
56267

SCHLICHT REV ROBT
611 W MAIN ST
BELLE PLAINE MN
56011

SCHMIDT D R MN ASSN REALTORS
6101 WAYZATA BLVD
MPLS MN
55416

SCHMIDT H W TCHRS RETIREM
302 CAPITOL SQ BLDG
ST PAUL MN
55101

SCHMICT LARRY WCCO-TV NEWS
90 S 9TH ST
MPLS MN
55402

SCHNEIDER MARLEN
GREEN GIANT
LESUEUR MN
56056

SCHUTZ LINDA
RM 328 CAPITOL BLDG
ST PAUL MN
55155

SCHWARTAU NEAL METH HOSP
201 W CENTER ST
ROCHESTER MN
55901

SCHWERMAN EARL JR
1555 6TH AVE SE
ROCHESTER MN

SCHWINN ROBT.P.
1400 SEC LINE BLDG.
MPLS. MN

SCHNEIDER & NEESER
706 1ST ST SO PO BX 876
WILLMAR MN

SCHROEDER ALFRED H
2172 CARROLL AVE
ST PAUL MN

SENATE COUN OFF ROOM 24
STATE CAPITOL
ST PAUL MN
55101

SENATE FINANCE COMMITTEE
113 STATE CAPITOL
ST PAUL MN
55101

SENATE GOV OP COMM
RM 303 STATE CAPITOL
ST PAUL MN
55155

SHABATURA EUGENE H
2833 LAKE AVE SO
DULUTH MN
55811

SHARP BOB
4125 HIGHWOOD RD
ST LOUIS PK MN
55416

SHAW ROBERT M
616 MOBIL OIL BLDG
MPLS MN
55402

SHELL OIL CO. W.A. ROQUET
ONE SHELL PLAZA BX 2463
HOUSTON TX
77001

SITE ENGINEERS INC
900 REDWELL LANE
APPLE VALLEY MN
55124

SKELLY OIL CO K R WELLINGTON
PO BOX 436
KANSAS CITY MO

SLOCUM CHARLES A
1203 IDS TOWER
MPLS MN
55402

SMERIKA WM.
BOISE CASCADE PAPERS
INTL FALLS MN
56649

SMITH MICHAEL
1423 NEWTON AVE N
MPLS MN
55411

SNELL LYN
BOX 314
EDEN VALLEY MN
55329

SNYDER ROBERT W
246 CC B C OF M
ST PAUL MN
55101

SODERBERG HAROLD J
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

SODERMAN ANTHONY
152 S PLAZA BLDG
MPLS MN
55416

STANSFIELD ARLENE LAND OLKS
PO BOX 116
MPLS MN
55440

STATE BD.BARBER EXAMINERS
555 WABASHA
ST PAUL MN
55102

STATE BD VETERINARY EXAMINER
C/O DR A C SPANNAUS DVM
WACONIA MN

STD AM LIFE & ANNUITY CO
3801 W 50TH ST
MPLS MN
55410

STEELWORKERS CREDIT UNION
BOX 250
BABBITT MN
55706

STENSLAND M.E. PRES. MVMA
203 NW 22ND ST.
AUSTIN MN
55912

STOLPESTAD BROWN & SMITH
1550 NW BK BLDG
ST PAUL MN
55101

STUPKA & MOREM
MIDTOWN BLDG
AUSTIN MN
55912

SULLIVAN J KIRK
PO BOX 200
BOISE ID
83701

SUMMIT NATL BANK D L MORRILL
205 AURORA AVE
ST PAUL MN
55103

SUSSEL CO.ATTN:TED SCHWENKER
1550 COMO AVE.
ST PAUL MN
55108

SWANSON BURT E
W-2162 1ST NATL BK BLDG
ST PAUL MN
55101

SWANSON DALE
P O BOX 339
FOREST LAKE MN
55025

SWANSON GERALD H
212 CITY HALL
ROCHESTER MN
55901

SWEITZER R L HONEYWELL INC
2701 4TH AVE S
MPLS MN
55406

TATE VERN 3M CO
3M CENTER 220/6W
ST PAUL MN
55101

THOMPSON CONRAD
1107 23RD ST NW
ROCHESTER MN
55901

THOMPSON HESSIAN ET AL
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

TIMESAVERS INC ATT R S VO
5270 HANSON COURT
MPLS MN
55422

TOUCHE ROSS & CO K H STOCKE
700 NORTHSTAR CNTR
MPLS MN
55402

TWIN CITY RETAIL DRUGGIST AS
2388 UNIV AVE
ST PAUL MN
55104

UNION STOCK YARDS
ATTN PRES
SO ST PAUL MN
55075

VAN CLEVE JOHN H
2101 HENN AVE
MPLS MN
55405

VAN DRAKE STEPHEN R
BOX 353
PELICAN RAPID MN
56572

VAN EVERA MUNDT ET AL
700 TORREY BLDG
DULUTH MN
55802

VERRILL JOHN E
DEPT SECONDARY ED BOE M
DULUTH MN

VILLAGE OF WOODBURY-F.STRONG
501 TOWER DRIVE
NEWPORT MN

VOLDNESS PERRY
105 8TH & MARQUETTE
MPLS MN

VOSS REV GORDON O
11120 NE 7TH ST
BLAINE MN

VERKILL JOHN E
DEPT SECONDARY ED UOF M
DULUTH MN
55812

VILLAGE OF WOODBURY-F.STRONG
561 TOWER DRIVE
NEWPORT MN
55055

VOLDNESS PERRY
105 8TH & MARQUETTE
MPLS MN
55402

VOSS REV GORDON G
11120 NE 7TH ST
BLAINE MN
55434

VOS LEROY
2137 BURNS AVE
ST PAUL MN
55119

WALO JEAN
5746 SANDER DR
MPLS MN
55417

WALIGORA ROBERT
3220 SO 17TH AVE
MPLS MN
55407

WALTERS THOS H
4910 W 77TH ST STE 235
MPLS MN
55435

WANGLIST ALLEN
RM 252 FEDERAL BLDG
ST PAUL MN
55101

WELK G V NORTHERN STATES
414 NICOLLET MALL
MPLS MN
55401

WESTIN CHAS W
220 MEDICAL ARTS BLDG
DULUTH MN
55802

WHITING RALPH
555 WABASHA SUITE 204
ST PAUL MN
55102

WHITLOCK A G
ECON LAB CSBORN BLDG
ST PAUL MN
55102

WILCOX J PATRICK
1220 NORTHERN FED BLDG
ST PAUL MN
55102

WM.MITCHEL COLLEGE LAW LI
2100 SUMMIT AVE.
ST.PAUL MN
55105

WILLY ENTERPRISES
101 5TH AVE SE
CSSEO MN
55369

WILSON R GARY PPG INDUSTR
1 GATEWAY CENTER
PITTSBURGH PA
15222

WIS FEEDER PIG MARKET CO-OP

FRANCIS CREEK WI

WOLKERSTORTER THEODORE
676 17TH AVE NW
NEW BRIGHTON MN
55112

WOZNIAK E D
401 FIRST FED BLDG
ST PAUL MN
55101

WYANT CLINTON W ATTY

ATKIN MN
56431

NAME	ADDRESS	CITY	STATE	ZIP CODE
MOFFITT, R. C.	RR 3 OLD MPLS. CRYSTAL HALL	MPLS.	MN	55441 5
RENQUIST, ARTHUR	4 [illegible]	MPLS	MN	55[illegible]
BECK, BAT	963 HYACINTH AVE.	ST. PAUL	MN	55106
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STATE OF MINNESOTA

COUNTY OF HENNEPIN

In the Matter of the Proposed Adoption, Amendment or Revision of the Rules of the Minnesota State Board of Health

AFFIDAVIT OF MAILING

H Michael Tripple, being first duly sworn, deposes and says:

That on the 17th day of September, 1975, at the City of Minneapolis, County of Hennepin, State of Minnesota, he mailed the attached Press Release by depositing in the the United States mail at said City of Minneapolis, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on Exhibit A, attached and made a part hereof.

H Michael Tripple

Subscribed and sworn to before me this 15th day of ~~September~~ October, 1975.

John E. Diehl

JOHN E. DIEHL
Notary Public, Ramsey County, Mn.
My Commission Expires,
September 22, 1978

YOUR HEALTH



NEWS RELEASE FROM THE MINNESOTA DEPARTMENT OF HEALTH

September 16, 1975 Contact: Bill Moore
FOR IMMEDIATE RELEASE (612) 296-5294

The State Board of Health has announced its intent to obtain the input of Minnesota residents as it considers the adoption of new rules in seven different subject areas and the amendment and revision of existing rules in five different areas.

Minnesotans interested in submitting data or views relating to the proposed adoption, amendment or revision of rules should address their written or oral comments to the Minnesota Department of Health, 717 S.E. Delaware St., Minneapolis 55440, through the contact persons listed below.

The proposed new rules relate to the following subjects:

* Implementing provisions of the Minnesota Clean Indoor Air Act; Kent Peterson, (612) 296-5365.

* Control and regulation of clinical laboratories; Dr. Henry Bauer, Division of Medical Laboratories, (612) 296-5241.

* Transfer of patient's x-ray records; Dr. Ellen Z. Fifer, Assistant Commissioner for Programs, (612) 296-5391.

* Distribution of monies to aid in construction of water filtration and purification plants and systems for communities using Lake Superior as a drinking water source; Frederick Heisel, Division of Environmental Health, (612) 296-5320.

* Implementing provisions of the Maternal and Child Nutrition Act of 1975; Dr. Ronald Campbell, Section of Maternal and Child Health, (612) 296-5265.

* Approval of laboratories performing bacteriological examinations of water; Russell Frazier, Analytical Services Section, (612) 296-5300.

- MORE -

* Establishment of application procedures for the credentialing of allied health manpower groups; Corrine Larson, Section of Allied Health Manpower, (612) 296-5393.

Amendments or revisions of existing rules are proposed in the following subject areas:

* Construction, equipment, maintenance, operation and licensing of nursing homes and boarding care homes, and the establishment of levels of assessments for violations of the regulations; H. Michael Tripple, Division of Health Facilities, (612) 296-5418 (effective Oct. 1).

* Construction, equipment, maintenance, operation and licensing of hospitals, and the establishment of levels of assessments for violations of the regulations; Janet Brodahl, Division of Health Facilities, (612) 296-5440.

* Morticians, funeral directors, and the disposition of the dead; Eugene Larson, Mortuary Science Unit, (612) 296-5491.

* Limitation of the use of x-ray machines in the screening for detection and evaluation of health conditions; Alice Dolezal, Division of Environmental Health, (612) 296-5323.

* Construction, equipment, maintenance, operation and licensure of supervised living facilities; Hans Larsen, Division of Health Facilities, (612) 296-5451.

Any materials submitted will be reviewed and considered by the Department of Health during the preparation of proposed rules, amendments or revisions. Notice of public hearings on proposed rules will be given to all interested parties, and any written materials submitted will become part of the hearing record.

Under state law, any individual representing persons or associations attempting to influence administrative action, such as the promulgation of these proposed rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity.

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Radio Station KATE
Albert Lea, Minnesota

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Northland Buildings
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Radio Station KDAY
Detroit Lakes, Minnesota

News Director
Radio Station KROX
Crookston, Minnesota

News Director
Radio Station WKLK
Cloquet, Minnesota

News Director
Radio Station KDWA
Benson, Minnesota

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News Director
KDSO
Blue Earth, Minn.

69

News Director
KDWA
Benson, Minnesota

69

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News Director
KWNO
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News Director
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STATE OF MINNESOTA

Office Memorandum

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TO : Addressograph Unit

DATE: Sept. 16, 1975

FROM : Section of Public Health Education

SUBJECT: News Release Additions

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BRAINERD, MN 56401 75

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Dist. Rep., Minn. Dept. of Health
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STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF HEALTH

In the Matter of Proposed Rules Relating to Fees for Copying Agency Records and Files and to the Procedures, Criteria and Standards Applicable to Processing and Awarding Health Maintenance Organization Grants, Maternal and Child Nutrition Grants and Grants Not Governed by Other Procedural Rules for Specific Grant Programs

STATEMENT OF JUSTIFICATION FOR FEE FOR COPY RULE

The Minnesota State Board of Health (hereinafter the "Board") is proposing, by rule, to establish fees which will be charged persons who request a photo-copy, certified or non-certified, of any of its records, files or other official documents. The rule is being proposed in order to comply with Minn. Stat. § 15.0412 subd. 3 (1975 Supp.), which reads:

> Every agency shall adopt rules setting forth the nature and requirements of all formal and informal procedures related to the administration of official agency duties. . . .

It is an official Board duty to provide, upon request, a certified copy of its public records. Minn. Stat. § 15.17 subd. 4 (1975 Supp.) provides in part:

> . . . Except as otherwise expressly provided by law, [every custodian of public records] . . . 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; and he shall, upon the demand of any person, furnish certified copies thereof on payment in advance of fees not to exceed the fees prescribed by law. . . .

It is clear that the Board may charge a fee for certified copies. However, neither this statute nor any other requires the Board to provide non-certified copies of its public records. The Board has decided to make available, upon request and payment of a fee, non-certified copies of its public records. The legal authority to charge a fee is implicit as the Board is under no obligation to perform free services for the public unless specifically directed to do so by the Legislature.

The legal status with respect to charging fees can be briefly summarized as follows. If legislation directs an agency to perform a service without mention of a fee, then the service must be performed upon request and without charge since the right to the service is established by statute. Obviously, if the statute authorizes the charge of a fee, the service may be withheld until the fee is paid. The real question arises over those instances where an agency performs a service which is not specifically provided for by statute but is within its inherent power to perform. In those situations, since the public may not demand the service as a right, the agency may as a condition precedent require the payment of a reasonable fee prior to acting.

The fee that may be charged must be reasonable and be limited to reimbursement of the actual expenses incurred by the agency in performing the service. Thus, in the case of photo-copying public records, the fee may cover such items as the cost of xeroxing and the clerical time spent in locating the record and copying it. (Op. Atty. Gen., Oct. 24, 1928, No. 262, p. 242, Biennial Report.)

The fee proposed by the Board in the rule under consideration is reasonable. The $.50 charge for the first copy is to cover the clerical time spent in locating the

file or record in question. It is recognized that the clerical cost is a variable factor which will depend upon the pay range of the individual and the time it takes to locate the file or record in question. This fee proposed is low but has been so set to permit the Board to determine how much time is spent copying documents. Once that data is obtained, adjustments can be made.

The $.05 charge is also reasonable. The photo-copy fee is $.025 to $.03 per page. The remainder of the cost is for the clerical time spent operating the photo-copy machine.

Dated: January 29, 1976.

STATE OF MINNESOTA

BOARD OF HEALTH

Allen Z. Fifer Deputy Commissioner

WARREN R. LAWSON, M.D.
Secretary and Executive Officer

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF HEALTH

In the Matter of Proposed Rules Relating to Fees for Copying Agency Records and Files and to the Procedures, Criteria and Standards Applicable to Processing and Awarding Health Maintenance Organization Grants, Maternal and Child Nutrition Grants and Grants not Governed by Other Procedural Rules for Specific Grant Programs

STATEMENT OF JUSTIFICATION FOR RULES RELATING TO PROCEDURES FOR AWARDING OF GRANTS NOT GOVERNED BY OTHER PROCEDURAL RULES

MHD 451. PURPOSE, SCOPE, AND DEFINITION

This section of the proposed rules is appropriate in order to identify the purpose of these rules, to identify which type of grant awards are to be affected by the proposed rules, to explain that there may be other procedures and requirements than specified in the proposed rules which might be applicable to an applicant or a grantee, to identify the several types of activities for which grant awards may be made, to specify the types of agencies, institutions, and organizations which may be eligible for receipt of grant awards, and to define terms used in the proposed rules. In general, then, this rule explains the context in which this set of rules is to apply.

Part (a) of this section, Purpose of Rules, identifies the reason for establishing the proposed rules. Public funds coming from both federal and state sources are distributed to various agencies and institutions through the administrative services of the Minnesota Board of Health (hereinafter referred to as the "Board") in the form of public health grants. It is reasonable and necessary, therefore, to establish a process for allocation of such funds.

Part (b) of this section, Scope of Rules, specifically identifies the grant programs to which the rules will apply and explains their scope of coverage. Such a section is necessary so that interested parties will know whether or not these rules apply to them, and, if so to what extent they apply.

Part (c) of this section, Types of Grants, identifies three major types or categories of activities for which public health grants could be made available by the Board. These three types of grants are appropriate to specify for interested parties the general types of activities and services that could be considered by the Board as eligible for fiscal assistance through grant funding. These types of activities and services also are consistent with priorities set forth by the Board for utilization of public funds through grant assistance.

Part (d) of this section, Eligibility for Grants, identifies the types of agencies, institutions, and organizations which are generally considered eligible for receipt of public funds in the form of grants. Specificity in this matter is helpful to interested parties in identifying the types of organizations which may be eligible to receive public funds. This is necessary to avoid misunderstanding and confusion on part of applicants.

Part (e) of the section, Definition of Terms, clarifies and promotes understanding of the intended meaning of terms as used in the proposed rules. This is necessary to assist the Board in appropriate accountability of the use of public funds.

MHD 452. AVAILIBILITY OF GRANT FUNDS AND APPLICATION PROCESS

This section specifies a reasonable method of making the public aware of the availability of grant funds, and requires that interested parties be required to identify their interest in receiving fiscal assistance through grants. It establishes an orderly process for the transmittal of appropriate application forms and instructions for the request of public funds, and outlines a procedure for the orderly submission, transmittal, receipt, and format of a request for grant funds (application). Clarification of this procedure is necessary to avoid misunderstanding requirements and obligations of the interested party, the applicant, and the Board in the allocation of public funds through grant awards for community health purposes.

Part (a) of the section, Notice of Availability, establishes that the Board provides an announcement of the availability of grant funds to parties who have indicated their interest in receiving such notice. It is necessary and appropriate for the Board in such notice to specify the purpose for which funds are available and to identify when and how an interested party should apply for grant funds. This direction is necessary to assure uniformity of processing applications, consistency in evaluating the relative merits of proposed activities, and to promote the most reasonable and fair distribution of the limited resources available for grant awards.

Considerable confusion exists about the coordination of efforts among federal, state, and local agencies in the orderly distribution of public funds through grants. Different agencies may operate on different fiscal years. It is not possible for the Board to know beforehand the type of public funds available for grant awards, the amount of funds to be available, or the purposes for which such funds will be designated. It is reasonable, therefore, that the Board propose a rule that will provide for an orderly notice of availability of funds for grants as such determinations are made by the source agencies. Thus, the process described in this part of the section provides for notice to the public as that information becomes available to the Board.

Part (b) of the section, Notice of Intent, provides the Board with an awareness of the numbers of applicants seeking grant funds, the types of activities for which grant funding is sought, and the total amount of fiscal support being sought by interested parties. This is necessary in order for the Board to allocate resources appropriate to process the work in a timely manner.

Part (c) of this section, Provision of Application Forms, provides for a standardized format for the receipt of information from applicants requesting grant funds. Uniformity in presenting such information is necessary for the Board to make fair and equitable judgements about the relative merit of individual applications. Standardization of format with adequate instruction provided for the preparation of an application form also enables the applicant to order his thinking about the objectives he is trying to accomplish, the manner of evaluation of progress to be made toward meeting those objectives, and the orderly flow of grant funds from the Board to the recipient agency during the grant funding period.

Part (d) of this section, Submission of Application, clarifies the type of information to be provided on an application form. It is necessary for the Board to provide adequate instruction with application forms in order for the applicant to make a logical presentation of this request for grant funding. This is necessary to establish reasonable objectives within constraints of time and funding availability and to periodically evaluate progress made toward reaching the stated objectives. This part of the section is necessary to identify the extent and degree to which the proposed activity will affect significant health-related needs of the community in which the proposed activity/service is to be provided.

MHD 453. REVIEW OF APPLICATION AND DISPOSITION THEREOF

This section identifies the necessity for review and comment of proposed grant activities by health review agencies. This is necessary to provide the applicant an opportunity to have the proposed activity reviewed by health review agencies and also is necessary for health review agencies to be aware of proposals for the use of public funds through grant awards. Review and comment assists the Board in assuring effective and equitable distribution of grant funds. This section also identifies the Board's responsibility to review all applications for grant funds. This section is necessary to the criteria of Board used in determining whether proposals will be funded.

Part (a) of the section, Regional Review, assures that public review agencies are made aware that interested parties are seeking grant awards of public funds for health related activities in the areas in which the review agencies serve. This requirement is necessary to assure that the Board does not fund activities which provide a duplication of services already provided in the proposed service area, that projects are not funded which further fragment the delivery of health care services throughout the state, and that there is some coordination of efforts among the applicant agency, the Board, and the review agencies.

Part (b) of this section, Board Review, identifies the criteria used by the Board in evaluating grant applications and identifies those considerations which are made in the evaluation of grant applications. Identification of the criteria used and the considerations made is reasonable and necessary in order to assure equitable evaluation of all grant applications received by the Board. This is also necessary to allow grantees the opportunity to prepare the best possible applications.

Part (c) of this section, Disposition, provides for orderly and consistent processing of each grant application received by the Board. This part of the section identifies several classifications of actions which may be taken by the Board on each application reviewed and further,

requires that such actions are identified in writing to each applicant. This is necessary and reasonable to assure a timely and orderly processing.

MHD 454. GRANT ADMINISTRATION

This section identifies activities that will be undertaken by both the Board and grantee agencies in terms of continual awareness by the Board of the activities funded and in terms of responsibilities of the grantee agencies in receiving grant awards and conducting funded activities.

Part (a) of this section, Grant Monitoring, identifies that the Board provides certain assistance to the grantee. The assistance is surveillance by staff of the Minnesota Department of Health. Technical and administrative assistance is provided by staff of the Minnesota Department of Health at the request of the grantee agency. This is reasonable and necessary to assure optimal use of public funds and to fulfill accountability by the Board in the use of public funds.

Part (b) of this section, Grantee Responsibility, identifies and clarifies the obligations a grantee agency assumes when receiving a grant award from the Board. This part of the section requires that the grantee agencies provide certain assurances to the Board regarding appropriate custody of grant funds, local matching resources, appropriate use of grant funds, fiscal account requirements, and audits responsibilities, provision for access to grantee records, and provision of progress reports regarding the funded activity. These actions and assurances are reasonable and necessary to provide for a clear understanding of obligations on part of both the Board and the grantee attendent to the use of public funds as grant awards.

Part (c) of this section, Grantee Disqualification, identifies control responsibility of the Board in the distribution and allocation of public funds as grant awards. This part of the section also makes provision for the Board to require reimbursement by the grantee agency of any unauthorized expenses identified by fiscal audit of a grant funded activity. This is necessary and reasonable to establish limits on the use of public (grant) funds by grantee agencies and to assure the appropriate and responsible use of public funds by the Board.

These proposed rules of the State Board of Health are necessary for the distribution of public funds through grant awards to assist in the establishment and development of community health services in Minnesota. The proposed rules are reasonable for providing a uniform and orderly process for the distribution and allocation of public funds and in order to assure the optimum distribution of funds available for the purposes for which they are intended.

STATE OF MINNESOTA

BOARD OF HEALTH

DATED: January 29, 1976

Warren R. Lawson, M.D.
Secretary and Executive Officer

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF HEALTH

In the Matter of Proposed Rules Relating to Fees for Copying Agency Records and Files and to the Procedures, Criteria and Standards Applicable to Processing and Awarding Health Maintenance Organization Grants, Maternal and Child Nutrition Grants and Grants not Governed by Other Procedural Rules for Specific Grant Programs

STATEMENT OF JUSTIFICATION FOR THE RULE RELATING TO HEALTH MAINTENANCE ORGANIZATION PLANNING GRANTS

MHD 376. PLANNING GRANTS.

This proposed rule provides for a mechanism for the implementation, administration and enforcement of Minn. Stat. §62D.26 through §62D.29. Those sections of the Minnesota Health Maintenance Act of 1973 establish the health maintenance organization grant program to assist in development of health maintenance organizations in this State.

The general purposes of health maintenance organization grants are made quite clear in the statute; however, details and mechanisms for implementation, administration and enforcement are incompletely stated. Accordingly, this rule is necessary to specify more detailed standards than those stated in the statute in regard to the following subject matters:

1. The submission of and content of grant applications.

2. The review of applications to include the criteria used in evaluating applications and awarding grants.

3. The award determination.

4. The provisions governing the operation of grant projects.

5. The determination of a grant.

MHD 376(a) provides the standard for submission of grant applications. This section of the proposed rules is necessary to allow the Board to require certain information to be submitted in the grant application. The six categories of required information are all necessary to enable the Board to evaluate applications consistent with the provisions of the Minnesota Health Maintenance Act of 1973 and the provisions of this rule.

It is furthermore necessary to promulgate MHD 376(a) to allow the Board to establish a clear deadline for submission of grant applications, a provision which is necessary to orderly consider potential grant recipients. To allow for time to prepare a grant application, it is proposed that deadlines shall be announced by the Board at least thirty days prior to the date the application is due. Furthermore, this proposed rule contains a provision that will require an announcement of the application process and deadlines to groups which we have reason to believe will be interested in the process and who would be most likely to be able to participate in the program or forward the application to appropriate parties.

MHD 376(b) states the system for review of applications including the criteria used in evaluating the application. As required in Minn. Stat. §62D.28, Subdivision 3, applications shall be submitted by the Board to areawide comprehensive health planning agencies or successor agency for the purpose of providing a review and comment. So that the review process is not delayed unduly, the areawide comprehensive health planning agency is given a maximum of sixty days to review the application. If the review and comment has not been received within sixty days, the Board could reasonably believe that no comment is forthcoming.

While Minn. Stat. §62D.29, Subdivision 1, gives the Board of Health authority to award grants and to place terms and conditions on the grants, the law provides no criteria for determining which of several eligible organizations should receive grants, nor the amount of money which should be awarded to any of several eligible recipients. This proposed rule lists nine factors, with no priority significance, which shall be used to assess the relative quality of each of the grant applicants. These factors, discussed individually below, are necessary to effect uniform interpretation of applications and assistance in understanding the requirements for being awarded a grant.

The following are the proposed factors:

1. It is considered important that the applicant exhibit knowledge of activities necessary to develop a health maintenance organization. It is reasonably necessary that the applicant provide a technically high quality proposal and this factor acknowledges the intent of the Board to consider technical quality.

2. In order for the planning organization to have a good likelihood of operating or expanding a health maintenance organization in the proposed area, the applicant should have

good prospects for support from proposed enrollees. This rule is necessary to point out that the Board intends to give preference to applicants who can demonstrate a higher potential support from the proposed enrollees.

3. Analygous to the factor listed above, organizations which have greater prospects for cooperation from area consumers are more likely to operate or expand a health maintenance organization in the near future in the proposed service area. This rule acknowledges that the Board intends to give preference to organizations which can demonstrate the potential cooperation from a reasonable proportion of the providers in the area.

4. The ability of the organization to effectively conduct health maintenance organization planning and to prepare an adequate study methodology is influenced by the qualification of the person responsible for the program. Both the members of the Board of Directors and the projected staff should therefore be considered as determining factors in making the grant award. This factor is related to the general credibility of the proposal in terms of the people responsible for the organization in contrast to the proposed activities which are considered under factor number one above.

5. Beyond the eligibility requirement for determination of basic health scarcity area as stated in Minn. Stat. §62D.28, Subdivision 2, it is reasonable that preference should be given to applicants from geographic areas and population groups which have been shown to have greatest need for development of a system to develop comprehensive health services. This factor would be considered in determination of the relative quality of the grant application.

6. Proposed rule MHD 376(b)(1) requires the Board to obtain comments from appropriate areawide comprehensive health planning agencies. It is proper that the Board use these comments to determine if the application is consistent with other health planning efforts in the community. To the extent possible, State funded health maintenance organization planning should be coordinated with other development efforts in the community and not act to fragment planning.

7. In consideration of the likelihood of comparative organizations to be successful in developing a health maintenance organization, preference should be given to applicants who can demonstrate the ability or potential to obtain additional or continued funding from local or other sources. State health maintenance organization planning funds are extremely limited and organizations, in most instances, will need funds from other sources before operation or expansion of a health maintenance organization. It is reasonable that an applicant should be currently obtaining part of its support from other sources or have immediate plans for assumption of the developmental costs by another agency.

   This proposed rule is consistent with Minn. Stat. §62D.27, Subdivision 1, which states that a planning grant may be used by the recipient organization as a matching share for any other public or private assistance in planning or implementing a community health maintenance organization.

8. Minn. Stat. §62D.01, Subdivision 2(a) states that it is the intent of the legislature to "explore alternative methods for the delivery of health care services, with the view toward achieving greater efficiency and economy in providing these services." Therefore, it is reasonable that emphasis should be given to seeking a variety of health maintenance organization models. Preference should go to applicants which propose models differing from the existing health maintenance organizations and offering opportunity for innovation and experimentation. However, this factor is balanced by the existence of other factors which would insist upon a basic standard of high quality and accessible services. Additionally, this factor is intended to give preference to geographic areas and population groups which do not presently have access to any health maintenance organization.

9. Besides the above eight specific factors, the Board shall also review applications in terms of the ability to comply with the health maintenance organization law in terms of the "eligibility for assistance."

MHD 376(b) clarifies that in situations where the applicant organization is seeking continuation of the previous State health maintenance organization grant, the Board shall consider the record of the applicant during the previous funding period. There would be a greater likelihood of success in future funding operations if there has been satisfactory completion of the stated objectives in the past.

MHD 376(c) is needed to establish a maximum time for review of applications and to set a deadline for awarding grants. The period of ninety days from the deadline for submission of the application is reasonable to permit sixty days for review and comment by the areawide comprehensive health planning agency and thirty days for consideration by the State Board of Health. To provide information to grant applicants on the outcome of the grant process, it is proper that all applicants are notified either of their being awarded a grant or of the grant being denied. Reasons for such a denial would also be of great interest to the grant applicants. This rule furthermore states that even though a grant may be awarded to an organization, compliance with operational standards of grant projects is an underlying condition.

The standards for operation of grant projects is dealt with in MHD 376(d). As a reasonable mechanism for administration of health maintenance organization grants, this rule provides for the grantee to enter into a grant agreement with the Board which shall provide for assurances of six specific types. It should be expected that the grantee and Board shall proceed expeditiously to complete this grant agreement and this rule proposes a maximum number of days for the negotiation process. Thirty days from receipt of the Board's decision to award the grant is a reasonable number of days for the applicant to consider the proposed grant agreement and to enter into a contract. The six specific assurances, discussed individually below, are necessary to effect orderly administration and enforcement of health maintenance organization grants. Following is the reasoning behind each of the six assurances:

1. Minn. Stat. §62D.29 requires that the organization receiving health maintenance organization planning funds may contain such records that the Board deems necessary to verify information and reports submitted to the Board. This rule provides more specifics on what type of records should be maintained by the grant organization and is necessary to avoid inconsistent interpretation of record requirements. Standard fiscal control and fund accounting procedures are required in this rule.

2. Similar to above, Minn. Stat. §62D.29 requires the organization receiving health maintenance organization planning funds to provide access as the Board deems necessary to verify information in reports. Additionally, the Minnesota Legislative Auditor has the authority to audit all expenditures of the Minnesota Legislature including grant organizations. It is, therefore, a requirement of statutes that both the Department of Health and Legislative Auditor have access for the purpose of auditing State health maintenance organization grants. By placing this requirement in the grant agreement, it is assured that both parties have clear knowledge of this requirement.

3. In order for the Department of Health to supervise the administration of the grant and for the Department to provide technical assistance where necessary to promote health maintenance organization development, this rule requires that the grantee agree to accept Health Department input. This rule assures a role for the Department of Health to maintain adequate controls on the expenditure of State health maintenance organization planning funds.

4. This rule places more specifics on the requirement for reports to be submitted as required in Minn. Stat. §62D.29. "Quarterly" progress reports and financial reports are necessary to provide a timely update on progress and financial expenditures but are not so frequent as to be an administrative burden. The exact schedule (date) and forms to be required will be established by the Board as consistent with the statutes and rules.

5. Under federal laws and policies developed by the Minnesota Governor, grantee organizations must maintain policies and procedures of equal employment opportunity. These"affirmative action" policies and procedures are consistent with the goals for a "community" health maintenance organization and by placing this requirement in rule form, it is made certain that this requirement will be enforced in the administration of health maintenance organization planning grants.

6. So that additional terms and conditions established by the Board will be enforced in operation of grants, this rule clearly states that the Board has additional authority to enforce compliance with these additional terms and conditions. Nevertheless, there is a requirement that the Board maintain consistency with the intent of the provisions of the Act and these rules in making such additional requirements for terms and conditions.

Minn. Reg. MHD 376(d)(2) deals with the revision of objectives and the budget. This rule is needed to provide control by the Department of Health and to have an adequate understanding of the progress or problems of the organization. Substantial change in the objectives of the awarded project should be analyzed by the Department of Health and appropriate comments or constructive criticism should be provided to the organization. Additionally, when the cumulative amount of financial transfers exceeds ten percent of the grantee's budget, there could be need for comment and constructive criticism by the Department of Health. This rule is needed to maintain control and to prevent inconsistent interpretation.

Minn. Reg. MHD 376(e) deals with the conditions and the procedures under which a grant may be terminated. Three types of situations could result in the termination of a grant project. By specifying these situations, the Board notifies the grant recipients of the alternatives and the Board is prevented from acting arbitrarily on any grant termination. Following are the situations that may warrant termination:

1. When the organization fails to comply with rules for operation of the project, this is adequate grounds for termination.

2. When there is evidence of substantial inability to complete objectives and workplan, it would be an inappropriate use of State funds to continue the project. This rule is necessary to terminate such an inappropriate project.

3. When there is evidence that the planning grant is being used for activities not described in the application and no revisions have been approved by the Department, this is reason for termination of State funds. This rule is needed to maintain programmatic controls and to make it clear that consistency with the application or revisions is necessary.

Minn. Reg. MHD 376(e)(2) establishes the procedures for termination of a grant. The procedure provides for written notification of the grantee by the Board and proper explanation of the reasoning of the Board. The date of termination shall be given to the grantee in this written notification. This procedure is prepared with the intent to be speedy in situations of utmost urgency but still gives the grantee proper notification.

Dated: January 28, 1976

STATE OF MINNESOTA
BOARD OF HEALTH

Warren R. Lawson, M.D.
Secretary and Executive Officer

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF HEALTH

In the Matter of Proposed Rules Relating to Fees for Copying Agency Records and Files and to the Procedures, Criteria and Standards Applicable to Processing and Awarding Health Maintenance Organization Grants, Maternal and Child Nutrition Grants and Grants not Governed by Other Procedural Rules for Specific Grant Programs

STATEMENT OF JUSTIFICATION FOR RULES RELATING TO THE IMPLEMENTATION OF THE MINNESOTA MATERNAL AND CHILD NUTRITION ACT OF 1975

461 GENERAL PURPOSE AND DEFINITIONS

This proposed rule provides an introductory explanation to the purpose of these rules and deals with twenty-four separate terms used in the Act and in these rules. The subjects, discussed below, are needed to give the reader precise knowledge on how to obtain funds from the Minnesota Board of Health in order to distribute nutritional supplements to mothers and children under these rules.

MHD 461 (a) gives the general purpose of these rules. The Board is authorized by Minn. Stat. §§ 145.894, Subd. a, to develop a comprehensive state plan for the delivering of nutritional supplements to pregnant and lactating women, infants and children, and these rules fall within this authority.

MHD 461 (b) provides definitions to twenty-four separate terms used in the Act and in these rules. The definitional provisions, discussed individually below, are necessary to affect a uniform interpretation of the Act and these rules and to avoid uncertainty and ambiguity in dealing with the Act and rules.

MHD 461 (b) (1). "Act."

This definition allows a shorthand reference to the statute which is identified in Minn. Stat. §§ 145.891 as the "maternal and child nutrition act of 1975", the same reference used herein.

MHD 461 (b) (2). "Administrative Costs."

This definition is related to the implementation of Minnesota Laws 1975, Chapter 346, Section 8. This section states that no more than ten percent of the appropriation shall be used annually by the board for purposes of administration of the program. This definition is necessary to clarify costs which may be used for the purpose of administration of the program. It is reasonable that all costs directly attributable to the program, except food costs, be termed administrative costs.

MHD (b) (3). "Affirmative Action Program."

This definition is necessary to clarify the standards that grantees must meet to comply with affirmative action guidelines.

MHD 461 (b) (4). "Agency."

This definition is related to the definition of "Local health agency" in Minn. Stat. §§ 145.892, Subd. 2, which states that "Local Health agency" means the county public health nursing service or any public or private nonprofit organization which enters into a contract with the board of health pursuant to this act. This definition identifies those local organizations which may seek funds from the Board in order to distribute nutritional supplements to mothers and children under these rules.

MHD 461 (b) (5). "Applicant."
This definition is necessary to clarify those portions of the rules which make reference to the "applicant". Without this definition there may be an ambiguity in distinguishing among "agency", "applicant" and "grantee". These terms may refer to the same agency, but at different stages of progress in seeking funds frum the Board in order to distribute nutritional supplements to mothers and children under these rules.

MHD 461 (b) (6). "Birth Weight."
This definition specifies when birth weight is to be determined. It is necessary to have a uniform time for determining weight to make an accurate comparison to the standard for low birth weight. It is reasonable because this is the practice followed in hospitals and because it allows for exceptions by the phrase, "or as soon thereafter as is practicable."

MHD 461 (b) (7). "Board."
This definition allows a shorthand reference to the Minnesota Board of Health and/or its agent, the Minnesota Department of Health.

MHD 461 (b) (8). "Children."
This definition related to Minn. Stat. § 145.892, subd. 7 which defines a child as an individual one to four years of age. This definition is necessary to provide an age limit beyond which nutritional supplements will no longer be made available and to distinguish "children" from "infants". The definition is reasonable because there is a substantially decreased incidence of nutritional problems, especially iron deficiency anemia, in children over four and, a relatively high incidence in children under four. It is necessary to distinguish "children" from "infants" because of the differences in the supplemental foods provided to each.

MHD 461 (9). "Competent professionals."
This definition is necessary to define the persons who will be considered competent to evaluate nutritional risk. The definition is reasonable in that it states that specific professionals with acknowledged qualifications, licensed physicians and nurses, public health nutritionists and registered dietitians, are competent to evaluate nutritional risk, and allows for use of other persons to do the evaluating provided they are designated and supervised by one of the above as being competent. Specific criteria are given in these rules for evaluating nutritional risk. It is reasonable to expect that a person, trained and supervised by one of the above professionals and using these criteria, would be competent to evaluate nutritional risk.

MHD 461 (b) (10). "Certification Process."
This definition is necessary to allow a shorter reference to the methods specified in MHD 463 (d) of these rules. The term "certification process" is an accurate description of the methods by which pregnant and lactating women, infants and children are designated as being eligible to receive program benefits.

MHD 461 (b) (11). "Certified individuals."
This definition is necessary to distinguish between those eligible to appy for program benefits and those individuals who are not only eligible to apply for program benefits, but have applied and have been certified according to the process specified in MHD 463 (d) of these rules.

MHD 461 (b) (12). "Grantee."
This definition is necessary to clarify those portions of the rules which make reference to the "grantee". Without this definition there may be ambiguity in distinguishing among "agency", "applicant" and "grantee". These terms may refer to the same agency, but at different stages of progress in seeking funds from the Board in order to distribute nutritional supplements to mothers and children under these rules.

MHD 461 (b) (13). "Infants."
This definition related directly to Minn. Stat. §§ 145.892, Subd. 5 in which infant is defined as an individual under one year of age. This is the medical and commonly accepted definition of the term. This definition is necessary to distinguish "infants" from "children" because of the differences in supplemental foods provided to each.

MHD 461 (b) (14). "Lactating Women."
This definition relates directly to Minn. Stat. §§ 145.892, Subd. 4 which defines a lactating woman as any breast feeding individual who presents competent evidence of having been delivered of a surviving child within the 12 months immediately preceding the filing of an application for nutritional supplements. This is a reasonable definition because the lactating woman is subject to nutritional risk due to the demands of the lactation. It is necessary to define the conditions under which post pregnancy women may receive, or continue to receive, nutritional supplements.

MHD 461 (b) (15). "Low Birth Weight."

This definition related directly to Minn. Stat. §§ 145.892, Subd. 8 which states that "low birth weight" means a birth weight of less than 2,500 grams. This is a medically accepted definition. The definition is necessary in these rules because it is one of the criteria by which an individual is determined to be at nutritional risk.

MHD 461 (b) (16). "Low Income."
This definition related to Minn. Stat. §§ 145.893, Subd. 2 (d) which includes the phrase, "and is without sufficient resources to purchase necessary nutritional supplements". The definition is necessary to provide criteria to the grantee for determining income eligibility for program benefits.

The income schedule in the definition is the level above which fees are established under the Minnesota Social Service Income Eligibility and Fee Schedule. The basis for the development of the Social Service Income Eligibility and Fee Schedule is provided in the Federal Regulations 45 CFR 228.60, June 27, 1975: Social Services Programs for Individuals and Families, title XX of the Social Security Act.

It is reasonable and consistent to place the upper limits of income for supplementary foods at the same income as the upper limit for free service as established in the (Minnesota) Social Service Income Eligibility and Fee Schedule.

MHD 461 (b) (17). "Nutritional Risk."
This definition related directly to Minn. Stat. §§ 145.892, Subd. 7 which defines nutritional risk as pregnant or lactating women with known inadequate nutritional patterns; or anemia; or history of prematurity or miscarriage; or inadequate patterns of grown (underweight, obesity, or stunting), and infants or children

with low birth weight; or deficient patterns of growth; or anemia; or known inadequate nutritional patterns. The definition is necessary to allow a shorter reference to the above conditions and those under MHD 463 (d) (4) (aa) herein. The term "nutritional risk" is an accurate description of these conditions, anyone of which may compromise an individual's health.

MHD 461 (b) (18). "Pregnant Women."
This definition refers to Minn. Stat. §§ 145.92, Subd. 2 which defines a pregnant woman as an individual determined by a licensed physician, midwife, or appropriately trained registered nurse to have one or more fetuses in utro. This definition is necessary to assure that a diagnosis of pregnancy has been made by a competent professional. It is reasonable because only women who are pregnant or lactating are eligible for program benefits.

MHD 461 (b) (19). "Program."
This definition allows a shorthand reference to the Maternal and Child Nutrition Act as implemented in accordance with these rules.

MHD 461 (b) (20). "Program Area."
This definition is necessary to define the area being served by the grantee.

MHD 461 (b) (21). "Responsible Official."
This definition is necessary to clarify who, in the local agency, is responsible for carrying out these rules. It is reasonable that one person be accountable to the department.

MHD 461 (b) (22). "Supplemental Food."
This definition is necessary to allow a shorter reference to the foods which may be made available as nutritional supplements. "Supplemental Food" is an accurate description of the foods allowed and will provide easier reading of the rules.

MHD 461 (b) (23). "Vendor."
This definition is necessary to identify the retailers who will be providing foods to certified individuals. It is reasonable that there be a contract between the vendor and the grantee to insure that the vendor operates pursuant to these rules.

MHD 461 (b) (24). "Voucher."
This definition is necessary to identify the means by which certified individuals and/or their parents or guardians purchase supplemental foods from a vendor.

MHD 462 PROCEDURES AND CONDITIONS FOR OBTAINING A GRANT
This section of the rules provides a description of the procedures and conditions necessary for obtaining a grant. These subjects are necessary to give the reader specific knowledge on how to obtain a grant and includes the following concepts:

(a) Description of the contracts to be entered into between the Board and grantees.
(b) Description of the application procedure as a condition for entering a funding contract with the Board.

The concept of these procedures and conditions originate in the Maternal and Child Nutrition Act and are necessary and reasonable to implement the provisions of the Act. The Board is authorized by Minn. Stat. § 145.894 (b) to contract with existing local public or private nonprofit organizations for the administration of the nutritional supplement program.

MHD 462 (a). "Contracts between the Board and grantees."
This proposed rule deals with the responsibilities of the Board and the grantee which are to be made binding by contract. These responsibilities, discussed below, need to be defined to avoid ambiguity in the understanding of expectations that the Board and grantee have of one another.

MHD 462 (a) (1) clarifies that the Board will make funds available only to those grantee agencies with which it has entered into a written contract.

MHD 462 (a) (2) defines the responsibilities of the Board in aiding the grantee to operate in accordance with the Act and these rules.

MHD 462 (a) (3) specifies two provisions that are to be included in the contract between the Board and grantee. It clarifies that the grantee must operate pursuant to the Act and these rules, and that the grantee must have an affirmative action program as defined in these rules, 461 (b) (3). It is necessary for the grantee to have an affirmative action program to prevent discrimination and to meet the requirements set for government funded operations.

MHD 462 (b). "Conditions for entering a funding contract with the Board."
This section of the rules provides a description of the application procedures and the content of the application itself. This description is necessary to give the reader specific knowledge of the conditions to be met for entering a funding contract with the Board.

MHD 462 (b) (1) clarifies that application is to be made to the Board.

MHD 462 (b) (2) defines the conditions under which the Board may execute a contract with an agency and specifies that the Board may enter contracts only with those agencies who have met, or can meet, specifications of these rules.

MHD 462 (b) (3) describes the application itself. Three copies are necessary for Board personnel to review the application as quickly as possible. It is reasonable to provide for the request of additional information by the Board as such information may be necessary to determine whether a grant should be awarded. It is necessary to specify that a grant shall not be awarded if the applicant fails to supply the requested information because all reasonable and necessary information must be provided to the Board if it is to be in a position to best and completely fulfill the purposes of the Act.

It is necessary to have MHD (b) (3) (aa), the name, address and telephone number of the applying agency, to consult with the agency on their application and to notify them of the action taken.

MHD 462 (b) (3) (bb) is necessary because it provides the Board with the name of the person accountable for the local program; this name is necessary because this person will be the contact to local program operations.

MHD 462 (b) (3) (cc) is necessary to enable the Board to make a judgment regarding the personnel capabilities of the agency for meeting program requirements for individual certification, record keeping reporting, nutrition education and all other requirements of the Act and these rules.

MHD 462 (b) (3) (dd) is necessary to enable the Board to make a judgment regarding the personnel capabilities of the agency for meeting program requirements for individual certification.

MHD 462 (b) (3) (ee) is necessary for the Board to determine that one programs geographic boundaries do not overlap with the geographic boundaries of another.

MHD 462 (b) (3) (ff) is necessary for the Board to determine the potential clientele of the agency; the basis of the estimate is necessary to make a judgment as to its accuracy.

MHD 462 (b) (3) (gg) is necessary for the Board to have an estimate of the size of the potentially at-risk population; the basis of the estimate is necessary to make a judgment as to its accuracy.

MHD 462 (b) (3) (hh) is necessary for the Board to make a judgment regarding the ability of the agency staff to meet program requirements for individual certification and nutrition education of this number; the basis of the estimate is necessary to make a judgment as to its accuracy.

MHD 462 (b) (3) (ii) is necessary for the Board to determine the cost of operating this program; the basis of the estimate is necessary to make a judgment as to its accuracy.

MHD 462 (b) (3) (jj) is necessary to determine if the programs proposed administrative costs are consistent with the percentage allowed by the Act. Laws of Minnesota, Ch346, Sec 8 states that no more than ten percent of the appropriation shall be used annually by the Board for purposes of administration of the program. A brief justification is required to determine that the budgeted expenditures are clearly administrative and necessary to the operation of the program.

MHD 462 (b) (3) (kk) is necessary for the Board to determine that the agency understands, and is capable, of establishing and implementing a certification process.

MHD 462 (b) (3) (ll) is necessary to offer the Board assurance that the information furnished in the applications is true and accurate to the best knowledge of the responsible official who signs it.

MHD 462 (b) (4) describes the criteria in addition to the application, that will be used by the Board in determining whether it will contract with the applicant. This information is necessary for the Board to award grants to those agencies serving the highest percentage of persons potentially eligible for program benefits and having the capability for meeting program requirements.

MHD 462 (b) (4) (aa) is necessary to insure that a program will not be funded in an area which already has a supplementary feeding program.

MHD 462 (b) (4) (bb) is necessary and reasonable; the Board must determine the capability of the applying agency to conform to the requirements of the Act and these rules.

MHD 462 (b) (4) (cc) is necessary and reasonable for the Board to determine which counties of the state have the greatest need for the program based on health and health-related factors.

MHD 462 (b) (5) defines how the applicant is to be notified of the action taken on its application for contract. It is necessary and reasonable that this notification be in writing that both the applicant and the Board have documented evidence on the reason for the action taken. It is reasonable and necessary

that the notification specify the amount of funds to be made available to the grantee and any contingencies upon the application that the grantee may make plans for program operations accordingly.

MHD 463 DUTIES OF GRANTEES

This rule is necessary to provide the grantee with specific information on how to operate the program. The duties of the grantee are covered in the following topics:

(a) Identification of individuals who may be designated as certified individuals.
(b) Certification by competent professionals.
(c) Certification process.
(d) Criteria to be met to determine an individual as certified.
(e) Provision of supplemental foods to certified individuals.
(f) Nutrition information and counseling.
(g) Records and Reports.
(h) Fair hearing procedure.

MHD 463 (a). This rule is necessary to clarify that the responsibility for identifying persons who may be designated as certified individuals, and informing them of program benefits and procedures belongs to the grantee. This is reasonable because the grantee is in the best position to know who these persons are and how to contact them. The grantee has, in its application for funding, identified these persons by an estimated number and the basis for arriving at that estimate is also a basis for identifying the persons. It is reasonable that the grantee inform these persons of program benefits and procedures to be followed in order to be designated as certified individuals. The grantee may obtain the assistance of welfare agencies, county extension offices, newspapers, radios, hospitals, schools, physicians, churches or any other organization or individual in the area to inform these persons of program benefits and procedures.

MHD 463 (b). This rule is necessary to identify who may certify individuals. It is reasonable that only competent professionals certify individuals as they are the only personnel with the background and training to determine who is at nutritional risk as defined by the Act and these rules.

MHD 463 (c). This rule is necessary to clarify that the responsibility for establishing and implementing a certification process and for documenting the criteria used for certification belongs to the grantee. It is reasonable that the grantee's responsibility for certification include documenting of criteria used to determine eligibility as this documentation will be needed to evaluate the effectiveness of the program. It is necessary to specify the length of certification and to specify how a person may be re-certified after a certification period has expired to eliminate any confusion regarding the term of certification. It is reasonable to limit the term of certification to six months, after this period of time agency personnel will be able to evaluate adaption to previous recommendations to make further recommendations based on the evaluation. Recertification brings the high risk person into periodic contact with the competent professionals who will provide, or arrange for, nutrition information and counseling.

MHD 463 (d). This rule specifies the requirements that are to be met for pregnant and lactating women, infants and children to be certified for program benefits. This rule is based on Minn. Stat. §§ 145.893, Subd. 2 which states that an individual shall be eligible for nutritional supplements who is not receiving a similar supplement under any federal, state, or local program and (a) is pregnant or lactating; or (b) is an infant or a child; and (c) is eligible for, or a

recipient of any form of public assistance authorized by law and is certified by the local health agency to be a nutritional risk; or (d) is certified by the local health agency to be a nutritional risk and is without sufficient resources to purchase necessary nutritional supplements.

MHD 463 (d) (1) is necessary to prevent the occurrence of an individual receiving similar benefits from another program such as the United States Department of Agriculture Supplementary Feeding Program for Women, Infants and Children (WIC). This rule is reasonable because the purpose of the Act is to provide supplementary foods to high risk individuals with demonstrable need for such foods.

MHD 463 (d) (2) is necessary to insure that each certified individual can be served by only one program. This is reasonable because program benefits are designed to correct conditions contributing to nutritional risk, there would be no further health benefit to an individual by being served by more than one program.

MHD 463 (d) (3) is necessary to determine that an individual has limited resources for purchasing supplemental foods. It is reasonable to require that the grantee be able to verify that the individual has limited resources to see that there are no abuses of program benefits.

MHD 463 (d) (4) defines the criteria by which an individual may be determined at nutritional risk. These criteria are based on Minn. Stat. § 145.892, Subd. 7 which states that "nutritional risk" means individuals which have any one of the following characteristics: (a) for pregnant and lactating women: (i) known inadequate nutritional patterns; (ii) anemia; (iii) history of prematurity or miscarriage; or (iv) inadequate patterns of growth (underweight, obesity or stunting), (b) for infants and children: (i) low birth weight; (ii) deficient pattern of growth; (iii) anemia; or (iv) known inadequate nutritional problems. It is necessary to have criteria to objectively determine nutritional risk. Any one criteria may reasonably be used to establish nutritional risk, as each of the criteria are an indication that the person is at risk.

MHD 463 (d) (4) (aa) is to provide specific standards to be used in defining anemia by hemoglobin or hematocrit analysis. This is necessary because agencies, hospitals and individual physicians use varying standards to define anemia. The standards specified in this rule are reasonable and are taken from "Nutritional Assessment in Health Programs", a guide published by the American Public Health Association and based on proceedings of the Conference on Nutritional Assessment, held October 18-20, 1972 and sponsored by the American Public Health Association, Inc., 1015 Eighteenth Street, N.W., Washington, D.C. 20036.

MHD 463 (d) (4) (bb) is necessary to define what is meant by an inadequate diet. The criteria specified are from the 1973 revision of the Recommended Daily Allowances (RDA) published by the Food and Nutrition Board of the National Research Council, National Academy of Sciences. The RDA's represent the very latest findings of the nutritional sciences and are intended to serve as guides for interpretation of food consumption records of groups of people.

The rule is reasonable because the Board will provide the food intake form to be used and a method of evaluating it which will use food groups based on the nutrient recommendations rather than individual nutrients.

MHD 463 (d) (4) (cc) is necessary to define what is meant by inadequate pattern of growth and is reasonable because 94 percent of children fall within two standard deviations of the mean, on the percentile chart they would be between the lines marked 97 and 3. Height or weight more than 2 standard deviations below the mean, or below 3 on the percentile chart, represent an unusual finding and may be related to inadequate nutrition. The "percentiles" on the chart are based upon repeated measurements of children under comprehensive studies of health and development by Harold C. Stuart, M.D. and associates, Department of Maternal and Child Health, Harvard School of Public Health.

MHD 463 (d) (4) (dd) defines the level at which the head circumference measurements represent an unusual finding. It is reasonable because measurements two or more standard deviations below the mean, or below the 3 on the percentile chart, suggest that nutritional status was severely impaired during early life.

The "percentiles" on the chart are based upon repeated measurements of children under comprehensive studies of health and development by Harold C. Stuart, M.D. and associates, Department of Maternal and Child Health, Harvard School of Public Health.

MHD 463 (d) (4) (ee) defines the level at which a low preconception weight is considered a nutritional risk. This is reasonable because it is commonly accepted by nutritionists, as indicated in the reference, Nutrition in Maternal Health Care, prepared by the Committee on Nutrition of the American College of Obstetricians and Gynecologists, that women who are 10 percent or more under ideal weight for height have increased risk of having low birth weight infants and other complications.

MHD 463 (d) (4) (ff) defined the level at which a high preconception weight is considered a nutritional risk. This is reasonable because it is commonly accepted by nutritionists, as indicated in the reference, Nutrition in Maternal Health Care, prepared by the Committee on Nutrition of the American College of Obstetricians and Gynecologists, that women who are 20 percent or more over ideal weight are particularly likely to have associated medical conditions (such as hypertension or diabetes mellitus) which have an adverse effect on pregnancy outcomes.

MHD 463 (d) (4) (gg) defines rates of weight gain during pregnancy which are inconsistent with good outcome of pregnancy. It is reasonable because it is commonly accepted by nutritionists, as indicated in the reference, Nutrition in Maternal Health Care, prepared by the Committee on Nutrition of the American College of Obstetricians and Gynecologists, that excessive weight gain may reflect either edema or tissue accumulation, and the edema may represent whether physiologic or pathologic fluid retention. Inadequate weight gain during pregnancy increases the risk of having low birth weight infants and other complications.

MHD 463 (d) (4) (hh) identifies medical histories or findings suggesting nutritional need, these medical histories and findings are commonly accepted by nutritionists as high risk factors as indicated in the reference, Nutrition in Maternal Health Care, prepared by the Committee on Nutrition of the American College of Obstetricians and Gynecologists.

MHD 463 (d) (4) (hh) (i) is reasonable because multiple pregnancy carries an increased risk of hyperemesis, iron deficiency and megaloblastic anemia, preeclampsia, premature labor, and fetal growth retardation; pregnancy loss may be

nutrition related. MHD 463 (d) (4) (hh) (ii) is reasonable because the hazards of adolescent pregnancy are multifactorial and include pre-eclampsia, anemia, excessive or inadequate weight gain and there is an increased risk of low birth weight. MHD 463 (d) (4) (hh) (iii) is reasonable because the premature or low birth weight infant may have suffered intrauterine growth retardation and requires the provision of nutrient intakes that will permit the infant to achieve a rate of growth approaching his potential. An infant having a sibling with a history showing failure to thrive is at risk for developing the same syndrome; many individuals who suffer during some period of infancy or childhood from calorie undernutrition and/or from deficiency of one or more nutrients demonstrate subnormal mental function which persists throughout life.

MHD 463 (e) outlines the procedure by which the grantee is to provide supplemental food to certified individuals. This rule is necessary to specify the foods and quantities that may be provided and to clarify the procedure the grantee is to follow in providing these foods.

MHD 463 (e) (1) is necessary and reasonable to prevent loss or misuse of the vouchers and to clarify that vouchers are to be issued on the basis of individual need and not in excess of the specified maximum quantity.

MHD 463 (e) (2) is necessary to clarify that the certified individual will obtain the supplemented foods from a vendor. It is necessary and reasonable to specify the foods and quantities on the vouchers to prevent substitutions.

MHD 463 (e) (3) is necessary to clarify the quantity of supplemental foods to be made available to certified individuals. The quantities specified are reasonable because they provide a minimum of 70 percent of the recommended daily allowances (RDA) for protein, calcium, iron, vitamin C and vitamin A; and 100 percent of the calories for infants 0 to 3 months, 3/4 of the calories for infants 3 - 12 months, 2/3 of the calories for children from 1 to 4, and 1/4 of the calories for women. The RDA are prepared by the Food and Nutrition Board of the National Research Council, National Academy of Sciences, and are commonly accepted by nutritionists as a reference for establishing standards for public assistance programs and for developing nutrition education programs. It is reasonable that this program, as a <u>supplemental</u> program, contribute to, but not provide entirely, the necessary calories and nutrients. It is reasonable and necessary to prohibit substitutions to assure that the foods provided make a significant contribution to the daily diet.

MHD 463 (e) (3) (aa) specifies maximum quantities for iron fortified formula, infant cereal and juice for infants. These quantities are reasonable and necessary to provide over 100 percent of the RDA for protein, calcium, iron and vitamin C, and 85 percent of the vitamin A. The RDA are prepared by the Food and Nutrition Board of the National Research Council, National Academy of Sciences and are commonly accepted by nutritionists as a reference for establishing standards for public assistance programs and for developing nutrition education programs.

MHD 463 (e) (3) (bb) specifies the maximum quantities for milk, eggs, cereal and juice for children and pregnant and lactating women. These quantities are reasonable and necessary to provide over 100 percent of the RDA for children for protein, calcium, vitamin A and vitamin C, and from 84-125 percent of iron, for pregnant and lactating women they provide from 60-68 percent of protein, 80-86 percent of calcium, 70 percent of iron, 80-100 percent of vitamin A and 115 percent of vitamin C. The RDA are prepared by the Food and Nutrition Board of the

National Research Council, National Academy of Sciences and are commonly accepted by nutritionists as a reference for establishing standards for public assistance programs and for developing nutrition education programs.

MHD 463 (e) (4) is necessary to describe the kinds and specifications of supplemental foods to be made available through vouchers. The kinds and specifications of supplemental foods are necessary to provide the amounts of nutrients and calories specified in the justifications for MHD 463 (e) (3) and MHD (e) (3) (bb) above.

MHD 463 (e) (4) (aa) (i) specifies that iron fortified formulas be provided; this is necessary to provide needed iron and is reasonable as this formula is as readily available as the non-iron fortified forms.

MHD 463 (e) (4) (aa) (ii) specifies the iron content of infant cereals; this is necessary to provide needed iron and is reasonable as all dry forms of commercial infant cereal contain this amount.

MHD 463 (e) (4) (aa) (iii) specifies the vitamin C content of fruit juice for infants, this is necessary to provide needed vitamin C and is reasonable as all commercial infant juices and all citrus juices contain this amount.

MHD 463 (e) (4) (bb) (i) specifies that milk be fortified. This is necessary to provide necessary nutrients and is reasonable as these forms are readily available. Swiss, cheddar or pasteurized process American cheese may be substituted for milk as these cheeses will provide nutrients comparable to those found in milk. Children with milk allergies may continue to receive special formulas provided there is a written request from a physician, it is necessary and reasonable to require a physician's request to document the kind of allergy to insure that the child is getting the appropriate formula and that the formula provides the required nutrients.

MHD 463 (e) (4) (bb) (ii) specifies the iron content of cereals; this is necessary to provide needed iron and is reasonable as there are a variety of cereals available providing this amount of iron; it is necessary to specify that the cereals not be pre-sweetened, this is reasonable to discourage the consumption of sugared foods which are associated with an increased risk of obesity and dental disease. A variety of non-sugared, iron fortified cereals are available.

MHD 463 (e) (4) (bb) (iii) specifies the vitamin C content of fruit or vegetable juice; this is necessary to provide needed vitamin C and is reasonable as there are a variety of juices that will be met at this requirement.

MHD 463 (e) (4) (bb) (iv) permits eggs as a supplemental food. It is reasonable to include eggs as a supplemental food because they provide needed iron and protein and because they are easily stored and prepared.

MHD 463 (e) (5) describes the terms of the contract entered into between the grantee and vendors serving the project area.

MHD 463 (e) (5) (aa) is necessary to insure that the vendor will not substitute other foods or quantities for those specified on the voucher.

MHD 463 (e)(5) (bb) is necessary to insure that the vendor will not alter the price of food items provided by voucher to certified individuals.

MHD 463 (e) (5) (cc) is necessary to provide the grantee with information on foods, and costs of foods, actually provided to each certified individual to insure the integrity of the program, and to provide information for making payment to the vendor.

MHD 463 (e) (5) (dd) is necessary to insure that the vendor be paid monthly, in accordance with his statement, to encourage his continued cooperation with the program.

MHD 463 (f) deals with nutrition education and counseling. It is necessary and reasonable for the grantee to provide nutrition education and counseling so that the certified individuals and/or parents or guardians will know why they need the foods provided and how to use them to provide a fully nutritious diet. It is necessary for the grantee to develop a written plan to show the provision of personnel, time and materials for nutrition information and counseling. An implementation schedule is necessary to document the activities carried out under this plan.

MHD 463 (g) deals with the records and reports that are required of the grantee.

MHD 463 (g) (1) related to Minn. Stat. § 145.894 (i), the board of health shall report to the legislature by November 15 of every year on the expenditures and activities under this act of the state and local health agencies for the preceding fiscal year. The records required in this section are necessary for such a report and it is necessary and reasonable that the Board have the right to review and inspect all records concerning program operations at its discretion.

MHD 463 (g) (2) is necessary so that all parties concerned have a clear and continuing understanding of the agreement between vendors and the grantee.

MHD 463 (g) (3) is necessary to assure financial accountability. It is reasonable to require a monthly summary of disbursements so the Board may make recommendations to assure most efficient use of state funds.

MHD 463 (g) (4) is necessary to determine the effect of program benefits on individual nutritional risk. It is reasonable to submit a monthly summary to the Board so the Board can evaluate the use of foods selected for the program on an ongoing, continuing basis.

MHD 463 (g) (5) is necessary to determine the effect of program benefits on individual nutritional risk.

MHD 463 (g) (6) is necessary for the Board to determine that nutrition education and counseling has been provided.

MHD 463 (g) (7) is necessary to document that vouchers have been stored and issued in the manner specified by these rules.

MHD 463 (h) deals with the fair hearing procedure. This is necessary to provide the person , or his or her parent or guardian, who was refused designation as a certified individual by the grantee, a review process.

MHD 464 MISCELLANEOUS

This section deals with the advance of funds to the grantee by the Board and the conditions under which a grantee may be disqualified from participation.

MHD 464 (a) clarifies to the grantee the schedule for advancement of funds, the basis upon which the amount of funds was determined, the responsibility of the grantee for costs incurred on excess of the program budget. This clarification is necessary for the grantee to understand the funding procedure and to make plans for program operations accordingly. It is reasonable that funds advanced be determined by the number of certified individuals as the following formula is the basis for estimating funds: number of certified participants times cost of foods per individual per month, plus allowed administrative costs per month times 3 months = quarterly advance of funds. It is necessary and reasonable that the grantee be responsible for costs incurred in excess of the program budget.

MHD 464 (b) (1) is necessary and reasonable to give the Board a course of action in the event that a grantee does not comply with the provisions of the Act and these rules.

MHD 464 (b) (2) is necessary and reasonable to give the Board a course of action in the event that a grantee through negligence or fraud misused money received from the Board.

MHD 464 (b) (3) is necessary and reasonable to give the Board a course of action in the event that any part of the money received by the grantee, or vouchers redeemed with program funds, were lost as a result of thefts, embezzlement, or unexplained causes.

STATE OF MINNESOTA

BOARD OF HEALTH

DATED: January 29, 1976

Warren R. Lawson, M.D.
Secretary and Executive Officer

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF HEALTH

In the Matter of Proposed Rules Relating to Fee for Copying Agency Records and Files and to the Procedures, Criteria and Standards Applicable to Processing and Awarding Health Maintenance Organization Grants, Maternal and Child Nutrition Grants and Grants not Governed by Other Procedural Rules for Specific Grant Programs

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the Minnesota State Board of Health (hereinafter "Board") on the 30th day of January, 1976, at approximately 9:00 A.M. in the Board Room, Minnesota Department of Health Building, 717 Delaware Street S.E., Minneapolis, Minnesota 55440, after proper notice required by Minn. Stat. § 15.0412 (Supp. 1975) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose and also upon other persons, associations and groups of which the Board was aware of as possibly having an interest in the above-captioned rules.

After affording interested persons an opportunity to present written and oral data, statements and arguments, and having heard and considered all of the testimony and 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 the amendments to Minn. Rule MHD 376, health maintenance organization planning grants; and new rules identified as Minn. Rule MHD 451 to 460,

procedures and standards for grants not governed by other procedural rules for specific grant programs; Minn. Rule MHD 461 to 470, the maternal and child nutrition grants; and Minn. Rule MHD 234(c), fees for copying agency records and files are adopted this 12th day of March, 1976, pursuant to authority vested in the Board by Minn. Stat. §§ 62D.20 and 62D.27 subd. 1 (1974) for the health maintenance organization rules, Minn. Stat. § 145.894 (Supp. 1975) for the maternal and child nutrition grant rules, and Minn. Stat. § 15.0412 subd. 3 (Supp. 1975) for the general grant rules and the fee for copying rules and in me by resolution of the Board duly adopted at a meeting of the Board on the 11th day of March, 1976.

STATE OF MINNESOTA

BOARD OF HEALTH

WARREN R. LAWSON, M.D.
Secretary and Executive Officer

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF HEALTH

In the Matter of the Proposed Rules Relating to Fee for Copying Agency Records and Files and to the Procedures, Criteria and Standards Applicable to Processing and Awarding Health Maintenance Organization Grants, Maternal and Child Nutrition Grants and Grants not Governed by Other Procedural Rules for Specific Grant Programs

FINDINGS OF FACT

The above-entitled matter came on for hearing before the Minnesota State Board of Health (hereinafter the "Board") on the 30th day of January, 1976, at approximately 9:00 A.M., in the Board Room, Minnesota Department of Health Building, 717 Delaware Street S.E., Minneapolis, Minnesota 55440, after proper notice required by Minn. Stat. § 15.0412 (Supp. 1975) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose and also upon other persons, associations and groups of which the State Board of Health was aware of as possibly having an interest in the above-captioned rules.

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

1. The general statutory authority for the adoption of each of the above-captioned rules is Minn. Stat. § 15.0412 subd. 3 (Supp. 1975) as each rule sets forth the

nature and requirements of the formal and informal procedures which directly affect the rights of or procedures available to the public and which are related to the administration of official agency duties with respect to each of the specific subjects covered. The direct legislative mandate to promulgate rules of this nature, as expressed in subdivision 3 of section 15.0412, is also the specific statutory authority for the adoption of Minn. Rule MHD 234(c), Fees for the Copying of Records (hereinafter the "fee rule"), and Minn. Rule MHD 451 to 460, Procedures for the Awarding of Grants Not Governed by Other Procedural Rules for Specific Grant Programs (hereinafter the "general grant rules"). See Statement of Justification for Fee for Copy Rule, introduced and accepted into the record of this matter as Exhibit 12 (hereinafter "Exhibit 12"), page 1.

2. Minn. Stat. § 15.17 subd. 4 (1974) requires the Board to furnish upon request, but only after payment of a fee, certified copies of any of its public records. The fee rule establishes the fee to be charged for all certified photocopies of Board records for which no other specific fee is established by statute or rule. Exhibit 12, page 1.

3. The Board is not required to furnish non-certified photocopies of its records. It has decided, however, to furnish such copies if requested and a fee, as prescribed in the fee rule, is paid in advance. Since the Board is under no obligation to perform free services unless specifically directed by the Legislature, it has inherent and implicit authority to charge a fee for performance of non-obligatory services. Exhibit 12, page 2.

4. The charges prescribed in the fee rule are reasonable and limited to reimbursement of the actual expenses incurred by the Board in performing the service. Exhibit 12, pages 2 and 3.

5. The rule as adopted has been modified slightly from the version which was presented at the public hearing. The changes, which are of a non-substantive nature, are designed to clarify the intent of the rule as originally proposed, to wit, that the charges for photo-copying of Board or Department records, files, or other official documents are to be made on a per page basis. That was inferred but not explicitly stated in the rule as proposed. Exhibit 12, especially the last paragraph, makes it plain that the rule was intended to express a per page charge.

6. The fee rule is needed in order to comply with Minn. Stat. § 15.0412 subd. 3 (Supp. 1975). Exhibit 12.

7. While the Board has developed rules to govern the award of grants under specific programs, there are a number of sources from which money might become available to the Board which the Board may distribute in the form of grants. There is a need, which the general grant rules satisfy, to specify the procedures, criteria, and standards applicable to processing of grant applications and for the awarding of grants under these circumstances. See Statement of Justification for Rules Relating to Procedures for Awarding of Grants Not Governed by Other Procedural Rules, introduced and accepted into the record of this matter as Exhibit 13 (hereinafter "Exhibit 13"), page 1.

8. Judicial notice is taken of the enactment by the 1976 Minnesota Legislature of the Community Health Services Act (Minn. Laws 1976, ch. 9) which orders the Board to promulgate rules and directions to govern the award and administration of grants provided for under that legislation.

9. Minn. Rule MHD 451 sets forth the scope and applicability of the general grant rules. The provisions therein are reasonable and supported by Exhibit 13, pages 1 and 2.

10. Since the general grant rules apply to funds which will become available from various sources and at indeterminate times, it is necessary to have a process whereby any interested party may obtain an application upon being informed in a timely manner of what funds have become available, for what purposes they may be used, and the deadlines by which applications may be submitted. Minn. Rule MHD 452(a) through (c) reasonably provide for such a process. In addition, the requirement that an applicant file a Notice of Intent is necessary in order to permit the Board to allocate appropriate resources to process the applications in a fair, efficient and timely manner. Minn. Rule MHD 452(a) through (c) reasonably provide for the necessary pre-application processes and are supported by the evidence contained in Exhibit 13, pages 2 and 3.

11. Minn. Rule MHD 452(d) is reasonable and supported by the evidence. See Exhibit 13, page 3; transcript, pages 11 and 12. It provides for the submission of information which is directed solely at identifying the applicant, how an applicant would use funds if awarded, whether the proposed use is directed at a known health need, and whether the applicant has a well planned project which would be efficiently and effectively carried through to completion. These items are legitimate and necessary areas to be evaluated by the Board in the application review process.

12. The requirement permitting the Board to request additional information is necessary. The Board will not be able to fully fund all applicant requests, and even if it could, the mere submission of an application should not qualify an applicant for a grant award. It may need additional information to adequately compare and evaluate all applications to assure that only those projects

which are fully qualified receive grants. Abuse of the authority to request additional data is prevented by the limiting of requests to those which are consistent with all applicable rules and statutes or which will clarify data already submitted in the application. Exhibit 13, page 3; transcript, pages 11 and 12.

13. Regional review of each grant application provided for in MHD 453(a) is warranted since the grant funds will be used for meeting local health needs. It is appropriate then for the Board to have access to, as part of its review, the comment of the local planning and development agencies. Exhibit 13, page 3.

14. Minn. Rule MHD 453(b) provides that the Board address itself to the same factors about which an applicant must submit data in its application. See finding number 10. These are proper matters to use in evaluating an application. The provision is supported by the evidence. See Exhibit 13, page 3; transcript, pages 12 and 13.

15. Minn. Rule MHD 453(c) is justified. It is proper for the Board to specify the reasons for its action as well as to conditionally approve applications upon a modification of the project for which funds will be used or availability of additional funds. Exhibit 13, pages 3 and 4.

16. Minn. Rule MHD 454 is reasonable and supported by the record. In fact, a rule which did not provide for supervision of the grant and did not place responsibilities upon the grantee to assure that funds were being properly used in accordance with the terms of the grant would be unreasonable. Failure to comply with the grant terms or other requirements or to responsibly administer the grant justify its termination. Exhibit 13, page 4.

17. The specific authority to adopt the rules relating to the Maternal and Child Nutrition Act of 1975 (hereinafter the "nutrition rules") is Minn. Stat. § 145.894(h) (Supp. 1975). See Statement of Justification for Rules Relating to the Implementation of the Maternal and Child Nutrition Act of 1975, introduced and accepted into the record of this matter as Exhibit 15 (hereinafter "Exhibit 15").

18. The nutrition rules are needed to carry out the purposes and intent of the Maternal and Child Nutrition Act of 1975. They do so by establishing the procedures and criteria that must be met by local organizations in order to receive grant funds from the Board. The nutrition rules also satisfy the need by specifying various program requirements. Exhibit 15, page 1.

19. MHD 461(a) relating to the purpose of the general grant rules initially stated that the rules constituted the comprehensive state plan for distribution of nutritional supplements to mothers and children. The Board recognizes that other federal and state laws and rules relate to distribution of nutritional supplements to qualifying recipients and that several governmental units are involved in implementing such laws and rules. Since no single set of rules from one state agency will constitute "the comprehensive state plan," the Board finds deletion of this phrase from MHD 461(a) necessary, proper, and in accordance with the suggestions made in a letter, entered into the record, submitted by Senator B. Robert Lewis and Representative Fred C. Norton, dated February 9, 1976 (hereinafter the "Lewis-Norton letter").

20. MHD 461(b)(2) defines administrative costs. As the primary purpose of the program is to distribute food to qualifying individuals, the Board finds that the

definition is clear, reasonable and proper, that no modification is necessary, and adopts the reasoning specified in Exhibit 15, page 1.

21. MHD 461(b)(21) defining "public assistance" has been added to the rules as initially proposed. Since testimony received at the public hearing on this matter (see transcript, pages 23, 24) indicated that the term as used in the operative sections is subject to different interpretations, a clarifying definition is in order. Because the program is designed to provide supplemental food to only those persons who may be financially needy, the Board finds that only such public assistance based on the economic need of the recipient will meet the criteria required in these rules. Thus, a family receiving Aid to Families with Dependent Children or Aid to the Disabled may qualify for benefits under this program whereas a recipient of educational benefits under the G.I. Bill would not qualify on that basis alone since the G.I. Bill benefits are not based upon financial need.

22. The information specified in MHD 462(b)(3) which must be submitted prior to decision as to whether a contract will be executed is reasonable and necessary inasmuch as such information will indicate the bounds to be served by the proposed program, the demonstrated need for program operation within those bounds and the ability of the applicant to implement the program to meet the need. These are relevant and pertinent areas to be addressed relative to the award of a grant. In addition, such information will provide the bases upon which the Board may adequately determine whether applicants comply with the criteria specified in MHD 462(b)(4). The Board adopts the rationale as set forth in Exhibit 15, pages 5 and 6.

23. MHD 462(b)(4)(aa) specifies one of the criteria the Board will consider when determining whether to contract with an applying agency. Minn. Stat. § 145.893 subd. 2 (Supp. 1975) requires that an individual may receive nutritional supplements under the Act only if the individual is not receiving a similar supplement under another government program. The emphasis rests upon the individual and his needs and not upon the mere existence of another program within his geographical area. Due to possible ambiguity, as indicated in the transcript of the hearing on pages 19-20, the Board finds the addition of the phrases "serving the clientele" and "of the applying agency" to be necessary to clarify that whether a similar program exists within the program area is not a critical factor so long as such programs are not serving the same clientele.

24. MHD 463 relating to the duties of grantees specifies the rights, duties and responsibilities of each grantee. The specific items covered in the rule are reasonable and are found to be supported by the rationale contained in Exhibit 15, pages 7-12. It is also necessary that grantee responsibilities be addressed so they are aware of what is expected of them.

25. MHD 463(d) defines the criteria by which an individual may be certified as a nutritional risk. Since different agencies, hospitals and physicians may use varying standards to define nutritional risk, it is necessary to provide specific and uniform standards by rule. Such standards have been selected from recognized authorities commonly accepted among nutritionists. The standards represent the very latest findings of the nutritional sciences. The Board adopts the rationale and accepts the authorities cited in Exhibit 15, pages 7-10.

26. MHD 463(d)(3) relating to requirements which individuals must meet to become certified has been split into two separate sub-parts rather than retained as a single section. Due to possible misunderstanding, as evidenced in the Lewis-Norton letter, the Board finds that the division of clauses into (3)(aa) and (3)(bb) will provide further clarity and visual emphasis to the two-pronged standard required in (3).

27. MHD 463(d)(3) clarifies how verification of low income will be accomplished. Health professionals may not have the training, expertise, or resources to thoroughly investigate the income of an applying individual. Issuing verification forms to each grantee will provide for a uniform and relatively simple method by which verification can be accomplished. Due to concerns expressed on lines 9-24 of page 23 of the transcript of the hearing, the Board finds that the addition of the phrase "by a statement provided by the Board which each individual applying for certification must sign" is necessary to clarify, unify and simplify the verification process.

28. Minn. Stat. § 145.897 requires that vouchers be used only for the purchase of "foods." The inclusion of vitamin supplements in pill form as an item to distribute through the program would not meet statutory requirements and will not, therefore, be incorporated into MHD 463(e)(3).

29. MHD 463(e)(3) relating to the foods and quantities of food which may be provided encompass a minimum of 70 percent of the recommended daily allowances (prepared by the Food and Nutrition Board of the National Research Council, National Academy of Sciences, a commonly accepted and recognized authority in nutritional science) for protein, calcium, iron, and vitamins C and A and 100 percent of the calories recommended for infants of 0 to three months, 75 percent of the calories for infants three to twelve months, 66 percent of the calories for children one to four,

and 25 percent of the calories for women. It is reasonable that this program, as a supplemental program, contribute to, but not necessarily entirely provide necessary calories and nutrients. The listed foods were chosen to make a significant contribution to the daily diet but not constitute the daily diet. Exhibit 15, pages 10 and 11.

30. MHD 463(e)(3)(aa) initially stated that 13 fluid ounces "or . . . [an] equivalent amount" of iron fortified infant formula could be distributed through the program. As evidenced by a letter submitted by Virginia Bennett, R.D., dated January 23, 1976, and entered into the record (hereinafter the "Bennett letter"), ambiguity existed as to precisely what antecedent the equivalency was meant to refer and therefore reference to any equivalency has been deleted. The rule now specifically states the amount permitted to be purchased through voucher.

31. As a result of the Bennett letter, the Board became aware that low fat milk as a food which may be purchased through voucher was inadvertently omitted in the proposed rule, MHD 463(e)(3)(bb) relating to foods. Indeed, MHD 463(e)(4)(bb)(i) relating to fortification specifications specifically includes low fat milk in addition to whole and skim milk. The Board has always intended to include low fat milk within its list of acceptable food (omitted only by typographical error) and finds that its specific inclusion in MHD 463(e)(bb) will provide necessary consistency to the nutritional rules as a whole.

32. MHD 463(f) relating to nutritional information and counseling which the grantees will provide to certified individuals and/or parents or guardians is found to be a central part of this program. Exhibit 15, page 12. It is necessary and reasonable for the grantee to provide nutrition education and counseling in order that individuals will know

both why they need the foods provided and how to incorporate them into a nutritious diet so as to enable them to properly feed themselves when no longer eligible for food supplements.

33. MHD 463(f) is directed at nutritional education as provided by the grantee. The Board of Health recognizes and accepts its additional responsibility as pointed out in the Lewis-Norton letter to develop a statewide public educational program on nutrition. However, establishing a statewide public educational program would address nutritional education responsibilities of others than grantees under the nutrition rules and are therefore more appropriately addressed in a set of new rules to be developed by the Board in the near future. Since these rules, as specified in MHD 461(a) and on page 1 of Exhibit 15 relate only to the relationship between the Board of Health and each grantee, rules relating to separate responsibilities of the Board are not addressed in these rules.

34. MHD 463(g) relating to grantees' records and reports is necessary inasmuch as Minn. Stat. § 145.894(c) requires the Board to report to the legislature annually as to expenditures and activities of the program for the preceding year. Since the records required in this section are necessary for such a report, it is reasonable that the grantee document the effects and costs of the program to insure and monitor both the integrity and the benefits of the program. Further, it is both reasonable and necessary that the Board require maintenance of records concerning program operation and have the right to review and inspect them so that the Board may adequately fulfill its consultation and supervisory responsibilities, including disqualification under MHD 464(b) if justified. It is always proper to require accountability for public funds. The Board also accepts the rationale stated in Exhibit 15, page 12.

35. Minn. Stat. § 145.895 (Supp. 1975) requires the Commissioner of Public Welfare to cooperate with the Board of Health in identifying eligible individuals, requires the welfare commissioner to develop a procedure of notifying certain individuals of the program, and requires the Board of Health to coordinate with the state and local welfare agents in identifying eligible individuals. Inasmuch as binding agreements made between the Board and the Commissioner of Public Welfare or local welfare agencies will insure the cooperative relationship contemplated by the statute as well as provide a flexible method by which both state and local parties may respond to changing needs, progress and circumstances, inclusion of such matters into these rules is unnecessary. As indicated in MHD 461(a); Exhibit 15, page 1; and Findings 17, 18 and 32 herein, the nutritional rules are designed only to establish procedures and criteria for local agencies to participate in the program. Since the relationships between the Commissioner of Public Welfare, local health agencies and the Board are not a responsibility of the local organizations, regulation of the relationships between these agencies in these rules is unwarranted and may be inappropriate.

36. As indicated in the Lewis-Norton letter and in Finding 18 herein, these rules cannot, of themselves, constitute a Comprehensive State Plan. The Board recognizes and accepts its responsibilities under Minn. Stat. § 145.894(a) to develop a comprehensive state plan for the delivery of nutritional supplements to pregnant and lactating women, infants and children. These rules are the first integral part of continuing development of a state plan. However, the goal of an all-inclusive comprehensive state plan has not been reached and cannot be reached until component parts consisting of rules and inter-governmental agreements are

completed. Thus, grantees cannot be held to conform with such a plan until such a plan is instituted and implemented. Until such time as a comprehensive state plan is devised, the Board finds that the criteria specified in MHD 462(b)(4) fulfill the requirements indicated in Minn. Stat. §§ 145.891-145.897 (Supp. 1975) necessary for grantees and more than adequately insure that only qualified applicants will be awarded contracts. The rationale expressed in Exhibit 15, page 6, is accepted by the Board as reasonable.

37. The specific authority to adopt rules relating to health maintenance organization planning grants (hereinafter the "HMO grant rule") is Minn. Stat. § 62D.20 (1974) which permits the Board to promulgate rules which are necessary and proper to carry out the provisions of the Health Maintenance Act of 1973 (hereinafter the "Act"). This Act expressly provided for the award of planning grants and authorized the Board, in Minn. Stat. § 62D.27 subd. 1 (1974) to delineate the terms and conditions for the award of such grants, which duty can be properly performed only by the adoption of rules. See Statement of Justification for the Rules Relating to Health Maintenance Organization Planning Grants, introduced and accepted into the record of this matter as Exhibit 14 (hereinafter "Exhibit 14"), page 1.

38. Existing rule MHD 376 must be amended. As presently written, the rule does not prescribe in sufficient detail the requirements that must be met by an applicant grantee to qualify for a grant, the standards against which its application will be judged, nor the responsibilities of a grant recipient. The HMO grant rule, amending Minn. Rule MHD 376 in its entirety, rectifies that problem by specifying the details and mechanisms for implementation, administration and enforcement of the grant program. Exhibit 14, page 1.

39. MHD 376(a) is reasonable and supported by the evidence. The information which an applicant is required to submit is necessary to enable the Board to properly evaluate applications consistent with the provisions of the Act and the HMO grant rule. Exhibit 14, page 1.

40. The requirement permitting the Board to request additional information is necessary. The mere submission of an application should not qualify an applicant for a health maintenance organization grant award. It must demonstrate that the grant would fulfill the purposes specified in the Act for establishment of planning grants and the requirements of the HMO grant rule. The Board may need additional information to adequately evaluate each application to assure that only those applicants who are fully qualified receive grants. Abuse of the authority to request additional information is prevented by limiting the request to that which addresses itself solely to material fairly contemplated by applicable legislation and the HMO grant rule. Exhibit 14, page 1.

41. Local review through areawide agencies is provided for in MHD 376(b)(1) and is warranted and supported by the evidence since the grant funds will be used to help establish a health maintenance organization and thereby meet an identified local health need. It is appropriate therefore for the Board to have access to, as part of its review, the comment of the local planning and development agencies. The 60-day time limit is reasonable, as is the provision permitting the Board to proceed without local comment after that time so as to prevent an area agency from precluding Board action on an application by not submitting a report. Exhibit 14, page 2.

42. MHD 376(b)(2) is justified since it provides understanding to applicants as to the requirements to be met to qualify for a grant as well as assures that each application will be evaluated on a uniform basis.

43. The specific factors contained in MHD 376(b)(2)(aa) through (ii) address in essence the ability and qualifications of an applicant to plan, develop and operate a health maintenance organization; the prospects for success of a health maintenance organization, should one be established; and the need for health maintenance organization services and consistency with health planning goals in the area. These are reasonable, proper and legitimate factors to be examined by the Board. While no applicant could guarantee that it would be able to establish a health maintenance organization, the Act does not contemplate disbursement of funds to anyone simply upon request. The Board would not be acting responsibly, nor would its actions be consistent with the planning grant provisions of the Act, unless the Board was reasonably certain that a health maintenance organization was needed, conformed with the health planning goals of the area to be served, had the people with the requisite skills and knowledge to administer the grant, and, because of these factors, demonstrated a likelihood that a health maintenance organization would be successfully established, operated and maintained. MHD 376(b)(2)(aa) through (ii) is supported by the evidence contained in Exhibit 14, pages 2 through 4.

44. In the case of continuation grants, it is reasonable for the Board to consider the performance record of the applicant during previous funding periods. Past experience with respect to progress toward or completion of prior objectives is a significant factor that must be evaluated in determining whether or not to continue a grant. MHD 376(b)(3) is supported by the evidence as contained in Exhibit 14, page 5.

45. MHD 376(d) is reasonable and supported by the evidence as contained in Exhibit 14, pages 5 through 7. It is a responsibility of the Board to assure that the grants it awards are properly accounted for and administered and that the funds are being properly used in accordance with the terms of the grant and all applicable legislation and rules. Failure to meet these conditions justifies termination of the grant as provided for in MHD 376(e). Exhibit 14, pages 7 and 8.

46. All provisions of the four sets of rules whether or not specifically addressed herein are found to be reasonable, justified, and supported by the evidence.

47. All procedural substantive requirements of law were fulfilled. (Although the public hearing on these rules was held on January 30, 1976, the rules of the Office of Hearing Examiners do not apply as this rule proceeding was initiated prior to January 1, 1976. Minn. Rule HE 109. However, where not precluded by irreconcilable conflict with procedures applicable prior to January 1, 1976, the Board has complied with the spirit and intent of the 1975 legislative amendments to the Administrative Procedure Act (Minn. Laws 1975, ch. 380). Examples of such compliance were the Board's publication of a "Notice of Intent to Obtain Information on Proposed Rules from Non-Agency Sources and the making of an affirmative presentation at the public hearing on this matter of facts establishing the need for and reasonableness of the rules, such presentation being contained in hearing Exhibits 8, 12, 13, 14 and 15.

48. No changes were made in the HMO grant rule after the public hearing. A few modifications were made in the fee rule, the general grant rules and the nutrition rules after the public hearing. These modifications were

not substantial, substantive or significant in nature and are in keeping with the spirit and intent of the rules as presented and commented upon at the hearing.

Dated: May 14, 1976.

STATE OF MINNESOTA

BOARD OF HEALTH

Robert G. Willmarth

ROBERT WILLMARTH
President

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, Warren R. Lawson, M.D., do hereby certify that I am the Secretary and Executive Officer of the Minnesota State Board of Health, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the said Board duly and properly called and held on the 11th day of December, 1975, that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

RESOLVED, that Warren R. Lawson, M.D., Secretary and Executive Officer of the Minnesota State Board of Health, be and he hereby is granted the authority and directed to call a hearing for the purpose of promulgating rules of the Board of Health relating to the following:

1. New rules prescribing the procedures for the awarding of grants not governed by other rules for specific grant programs;

2. New rules governing grants awarded under the Maternal and Child Nutrition Act of 1975;

3. The amendment of Minn. Rule 376 governing planning grants for health maintenance organizations; and

4. New rule prescribing fees to be charged for the copying of records.

In addition, Dr. Lawson be and hereby is granted authority and directed to perform any and all acts incidental thereto, including but without being limited thereto, signing an order for hearing and notice of hearing as well as acting as or appointing a presiding officer for all hearings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 12th day of March, 1976.

STATE OF MINNESOTA

BOARD OF HEALTH

WARREN R. LAWSON, M.D.
Secretary and Executive Officer

CERTIFICATE OF BOARD'S

ADOPTION OF RULES RESOLUTION

I, Warren R. Lawson, M.D., do hereby certify that I am the Secretary and Executive Officer of the Minnesota State Board of Health, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the said Board of Health duly and properly called and held on the 11th day of March, 1976; that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution has not been rescinded or modified.

RESOLVED, that:

(1) the amendments to Minn. Rule MHD 376 governing criteria and standards applicable to processing and awarding health maintenance organization grants;

(2) the new rules prescribing the criteria and standards applicable to processing and awarding:

(a) maternal and child nutrition grants, identified as Minn. Rule MHD 461 to 470, and

(b) grants not governed by other procedural rules for specific grant programs, identified as Minn. Rule MHD 451 to 460; and

(3) the new rules prescribing the fees for copying agency records and files identified as Minn. Rule MHD 234(c) are found to be reasonable, necessary and supported by the evidence contained in the record, and are hereby approved and adopted, pursuant to authority vested in us by Minn. Stat. §§ 62D.20 and 62D.27 subd. 1 (1974) for the health maintenance organization grant rules, Minn. Stat. § 145.894 (Supp. 1975) for the maternal and child nutrition grant rules, and Minn. Stat. § 15.0412 subd. 3 (Supp. 1975) for the general grant rules and the fee for copying rules and that Warren R. Lawson, M.D., Secretary and Executive Officer of the Minnesota State Board of Health, be and hereby is authorized to sign an order adopting those rules.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 12th day of March, 1976.

STATE OF MINNESOTA

BOARD OF HEALTH

Warren Lawson

WARREN R. LAWSON, M.D.
Secretary and Executive Officer

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Terry O'Brien, do hereby declare that I have examined the proposed rules relating to: (1) Fees for Copying Agency Records and Files (MHD 234(c)); the Procedures, Criteria and Standards Applicable to Processing and Awarding (2) Health Maintenance Organization Grants (MHD 376); (3) Maternal and Child Nutrition Grants (MHD 461 to 470); and (4) Grants not Governed by Other Procedural Rules for Specific Grant Programs (MHD 451 to 460), 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.

Dated: March 15, 1976.

Terry P. O'Brien

TERRY O'BRIEN
Special Assistant
Attorney General

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF HEALTH

In the Matter of the Proposed Rules Relating to Fees for Copying Agency Records and Files and to the Procedures, Criteria and Standards Applicable to Processing and Awarding Health Maintenance Organization Grants, Maternal and Child Nutrition Grants and Grants Not Governed by Other Procedural Rules for Specific Grant Programs

ORDER ADOPTING RULE

The above-entitled matter came on for hearing before the Minnesota State Board of Health (hereinafter "Board") on the 30th day of January, 1976, at approximately 9:00 A.M. in the Board Room, Minnesota Department of Health Building, 717 Delaware Street S.E., Minneapolis, Minnesota 55440, after proper notice required by Minn. Stat. § 15.0412 (Supp. 1975) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose and also upon other persons, associations and groups of which the Board was aware of as possibly having an interest in the above captioned rules.

After affording interested persons an opportunity to present written and oral data, statements and arguments, and having heard and considered all of the testimony and 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 the amendment to Minn. Rule MHD 234 by which section (c) was added to the rule is adopted this 14th day of May, 1976, pursuant to

authority vested in the Board by Minn. Stat. § 15.0412 subd. 3 (Supp. 1975) and in me by resolution of the Board duly adopted at a meeting of the Board on the 14th day of May, 1976.

STATE OF MINNESOTA

BOARD OF HEALTH

WARREN R. LAWSON, M.D.
Secretary and Executive Officer

CERTIFICATE OF BOARD'S

ADOPTION OF RULES RESOLUTION

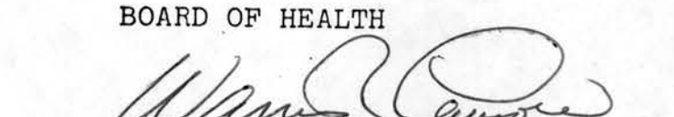
I, Warren R. Lawson, M.D., do hereby certify that I am the Secretary and Executive Officer of the Minnesota State Board of Health, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the said Board of Health duly and properly called and held on the 14th day of May, 1976; that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that the amendment as modified from the version of the rule as initially proposed, to Minn. Rule MHD 234 which adds section (c) relating to fees for record copying, is found to be reasonable, necessary and supported by the evidence contained in the record, and is hereby approved and adopted, pursuant to authority vested in us by Minn. Stat. § 15.0412 subd. 3 (Supp. 1975), that the modifications to the rule from the version as initially proposed do not constitute substantive or substantial changes, and that Warren R. Lawson, M.D., Secretary and Executive Officer of the Minnesota State Board of Health, be and hereby is authorized to sign an order adopting those rules."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 14th day of May, 1976.

STATE OF MINNESOTA

BOARD OF HEALTH



WARREN R. LAWSON, M.D.
Secretary and Executive Officer

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Assistant Attorney General Richard A. Wexler, do hereby declare that I have examined the proposed rules relating to fees for record copying identified as Minn. Rule MHD 234(c) 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.

Dated: May 18, 1976.

RICHARD A. WEXLER
Assistant Attorney General