

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

~~AMENDED AND~~ ADOPTED

DEPARTMENT OF PUBLIC WELFARE RULE 195

MINNESOTA BOARD ON AGING

SENIOR COMPANION PROGRAM

A. Applicability and Purpose

1. Authority

This rule is enacted pursuant to the statutory authority vested in the Minnesota Board on Aging pursuant to Minnesota Laws 1976, Chapter 323, establishing a senior companion program to engage the services of low-income persons aged 60 or over to provide supportive person to person assistance in health, education, welfare and related fields primarily to handicapped adults and elderly people living in their own homes.

2. Purpose

The purpose of the senior companion program (SCP) is to provide meaningful part-time volunteer opportunities for low-income older persons to render supportive person-to-person services to adults with special or exceptional needs in health, education, welfare and related fields. The services are intended primarily for persons in their own homes, but those in group homes, nursing homes, or other public or private nonprofit institutions or agencies, providing care for handicapped adults or elderly persons may also be served.

B. Definitions

1. Board on Aging--a board established pursuant to Minnesota Statutes 256.975 and 256.976, previously titled and known as the Governor's Citizens Council on Aging.

2. Memo of Understanding--a written agreement between sponsor and person to be served, appropriate caretaker, or an authorized official of a volunteer station that specifies working relationships, channels of communication, and means of cooperation between the parties to the agreement.

3. Persons To Be Served--the handicapped and older people who receive the supportive person to person assistance of the volunteer Senior Companions.

4. Project Advisory Council--the Council established pursuant to this rule to advise and assist the sponsors on matters of planning, community participation and financial support.

5. Project Sponsor--the agency or organization awarded the grant and the authority to administer the Senior Companion Program in a specified area pursuant to this rule.

6. Volunteers--as used herein, a person who proffers his or her time and efforts in supportive person-to-person services as a Senior Companion (SC) Volunteers for an agreed upon stipend.

7. Volunteer Station--a public or private non-profit agency, institution or organization, or proprietary health care organization or facility, in which or through which persons to be served by senior companion services are found, or made accessible to these services.

C. Sponsor

1. To become the sponsor of an SC project for a community, an organization shall submit a grant application, consistent in form and content with these rules, to the Board on Aging for funds to develop and operate an SC project. In order to receive a grant, it is required that the potential sponsor shall:

   a. Be a public or private nonprofit agency or organization with the authority to accept and administer such grants.
   b. Agree to administer the project in accordance with state legislation and rules, policies and procedures, and the conditions of the grant award set forth by the Board on Aging.
   c. Accept full responsibility in the community for the development, implementation, management, and funding of the project.
   d. Not be a volunteer station.
   e. Provide written assurances that the project will be conducted in consultation with, or with the participation of, an area agency on aging, the regional coordinating agent of the Board.

2. Applications to provide senior companion services to individuals in their homes shall have priority over applications to provide services to those in group homes, or institutions.

D. SCP advisory council

1. A project advisory council shall be established by the sponsor to meet regularly in order to advise and assist the sponsor on matters concerning planning, community participation, and financial support, and project policies and operational issues.

E. Service area

1. An SC project shall have an exclusive, geographicably defined, service area from which senior companion volunteers are recruited and in which they serve. The service area will be identified in the approved project plan and may not be redefined without the prior written approval of the Board on Aging.

F. Volunteer stations

1. Volunteer stations shall be within the project's geographical service area as defined in the approved grant application.

2. Each facility serving as a volunteer station shall be licensed or otherwise certified by the appropriate state or local licensing authority.

3. A volunteer station shall not request or receive any compensation for services of Senior Companions supervised by it.

4. A volunteer station shall not be a project sponsor.

5. Assignment of senior companions to private homes will be made only with concurrence of the project director and after a memo of understanding has been obtained from the person to be served or an appropriate caretaker.

G. Eligibility of senior companions

1. To be eligible for enrollment as a volunteer, senior companions shall:

   a. Be 60 years of age or over.
   b. Have an annual income at or below the applicable income eligibility level as established by the Board.
   c. No longer be in the regular work force.
   d. Have a physical examination and a report adjudging them fit for duty.

2. In computing combined annual income of married couples prior to enrolling them both as senior companions, one senior companion stipend must be included in the determination of maximum annual income.

3. There are no enrollment barriers for senior companions relating to experience, education, race, sex, creed, national origin, or political affiliation.

4. After enrollment as a senior companion, no person shall be terminated as a result of change in eligibility requirements, nor as a result of a change in his income, marital status, or number of dependents.

H. Service schedule

1. Senior companions shall be compensated for no more than 20 hours a week, in accordance with the schedule of the persons being served, as approved in the grant application. Exceptions to the service schedule authorized by the grant award may be made by the sponsor for unusual situations but only with the concurrence of the Board on Aging in the form of a project amendment. Twenty hours a week may not be exceeded.

2. Personnel policies for the senior companion's insurance, vacation, sick leave, holidays, etc., shall be consistent with those of the sponsor and be developed in consultation with the project advisory council.

3. Time required for transportation between the senior companion's home and the volunteer station shall not be considered a part of the service schedule. When persons are served in their own homes, transportation time between two or more such assignments is considered part of the service schedule.

I. Adults served

1. Senior companions may provide frequent supportive person-to-person services on a regular schedule to adults with exceptional needs, especially older persons living in their own homes, in nursing homes

and in other institutions. Persons to be served include, but are not limited to, adults receiving home health care and nursing care and those with developmental disabilities.

2. Volunteer stations, with concurrence of project staff, select the adults in need of individual attention and project staff, with concurrence of the volunteer station, assigns senior companions to the adults.

3. Statewide and in each project, at least 50 percent of the persons served by senior companions shall be age 60 or older.

J. Responsibilities of the Board on Aging.

1. Pursuant to the intent of the Senior Companion Act and these rules, the Board on Aging shall, from time to time, develop and promulgate interpretive guidelines and forms for the administration of uniform and equitable procedures in setting or revising:

   a. The level of maximum annual income for determination of eligibility of senior companions, consistent with changing costs of living and the levels prescribed for other federal and state programs using volunteer stipends.
   b. Service areas for SCP projects consistent with the availability of funds and coordination with other federal and state programs for older and handicapped people.
   c. Levels of stipend, insurance protection, travel expense, or other expenditures that must vary with costs and that are not otherwise prescribed in law or these rules.
   d. The provision of technical assistance by the state and area agencies on aging to senior companion projects.

K. Cost sharing

1. The state will fund up to 90 percent of an approved project budget. Ten percent of more of the total approved budget shall be provided locally by or through the sponsor in the form of cash or in-kind contributions. Actual local expenditures must reach at least the percentage of non-state support identified in the acceptance of the grant award. Sponsors will be encouraged to increase non-state support of the project beyond minimum requirements.

L. Grant awards, suspension, termination

1. Grant awards made by the Board on Aging:

   a. Shall be for one year or less.
   b. Shall not be used to match other state funds.
   c. Shall not be used to replace any staff members of the grantee.

2. Grant applications must specify the geographic area to be served, the number of persons and the kinds of disabilities expected to be served, and the numbers of senior companions to be used, together with the kinds of service they are expected to provide. Project expenditures must be restricted to the persons and services specified for that area.

3. The Board on Aging may suspend further payments to a sponsor or terminate payments under a grant when there is a material failure to comply with its terms and conditions. However, no grant may be terminated without reasonable notice to the sponsor and an opportunity for a full and fair hearing. Suspension, except in emergency situations, as well as the denial of an application for refunding (continuation grant), will only take place after the sponsor has been given reasonable notice and an opportunity to show cause why such an action should not be taken.

4. A record keeping system shall be established by each project to allow for collection and storage of information on senior companions, their assignments, volunteer stations and other necessary information, including senior companion and project costs. A semi-annual report shall be filed with the Board on Aging.

APPROVED AS TO FORM AND LEGALITY

APR 28 1977 19

WARREN SPANNAUS, ATTORNEY GENERAL

BY /s/ Michael B. Miller

SPECIAL ASSISTANT ATTORNEY GENERAL

2:P.M

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 29 1977

Joan Anderson Growe
Secretary of State

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE [illegible]RA J. LIKINS

COMMISSIONER OF PUBLIC WELFARE

In the Matter of the Proposed Rules 60 and 195 of the Minnesota Department of Public Welfare

STATEMENT OF NEED

RECEIVED
SEP 1 1976
OFFICE OF HEARING EXAMINERS

RULE 60 - Red Lake Indian Payments

The above captioned rule is a new rule of the Minnesota Department of Public Welfare.

The need to promulgate Rule 60 arises because Minnesota Statute 361, Section 1 in 1975, left the determination of the amount of equalization aid attributable to Red Lake Indians subject to a Minnesota Department of Public Welfare rule.

RULE 195 - Minnesota Senior Companion Program

A. Applicability and Purpose

1. Authority
Chapter 323, Minnesota Statutes 1976 establishes the senior companion program, authorizes the board on aging to administer it in a coordinated manner with the Minnesota foster grandparent program and the federal foster grandparent and senior companion programs, and appropriates funds for its administration. Minnesota Statutes 256.975 and 256.976 prescribe the duties of the board on aging, the board's relationship to the Department of Public Welfare, and the establishment of the foster grandparent program.

2. Purposes
The senior companion act is intended to enlarge the authority for and funding of, volunteer activities for low-income senior citizens beyond those provided in the predecessor state and federal programs of foster grandparents and senior companions so that these volunteer activities could be also directed to adult, non-institutionalized persons. In order to best complement other programs the Act gives priority to serving the handicapped and older persons living in their own homes or nursing homes. Like the predecessor programs, the senior companions provided by this Act would be recruited, trained, supervised, and reimbursed by the kind of qualified sponsor agency used in other programs for the aging.

Coordination with other agencies is integral to aging program policies of avoiding duplication of services, gap-filling, and maximizing the use of existing services for the elderly.

B. Definitions--self-explanatory

C. Sponsor
Funding contracts with reputable, qualified agencies are intended to get the direct administration of services out of the State Agency under terms that are mutually understood, that are consistent with the program's purposes, and that provide a base for accountability.

Dept Exhibit No. 11

File No.

Date

A sponsor may not be a volunteer station because to be so would raise question about its motivation in the assignment of senior companions to its own services or facilities.

The intent of the Act is to give priority to services to people in their own homes.

D. SC Advisory Council
This kind of citizen/consumer participation in policy formation, communication for coordination, and monitoring of operations is common to almost all programs in aging.

E. Service Area
Two or more projects in the same or overlapping areas would create competition and confusion in recruitment of volunteer stations and Senior Companions; cost effectiveness would be lowered.

F. Volunteer Stations
The basic intent of these policies is to insure clarity of understanding between project and volunteer stations (the person or facilities to which the senior companions activities are directed), between project and senior companions, and between senior companions and the persons they serve. Such clarity is necessary to keep activities and relationships purposive. The program is not intended to be one of aimless, sporadic friendly visiting; it is not intended to prop up unlicensed or below standard facilities or services. The policies recognize that the needs and circumstances of both volunteer and person served are varied and subject to change.

G. Eligibility of Senior Companions
The explicit detail of these policies is justified because the program is new and the demand for participation will be high.

The criterion "no longer in the regular work force" appears in all federal regulations and guidelines for programs using volunteers receiving stipends. To our knowledge it is not challenged. It does not bar the temporary, occasional work many older people engage in, nor the sheltered work and training for handicapped.

H. Service Schedule
Self-explanatory.

I. Adults Served
These policies specify priorities intended in the Act.

J. Responsibilities of the Board on Aging
The intent of this section of the rule is to inform and reassure the public and interested parties that some policy and procedures, not inconsistent with law and rule itself, are necessary for the instruction of interested parties, that they will be designed by the Board on Aging to promote efficacy and equity in the conduct of the program, and they they will be promulgated as guidelines interpretative of the rule, not as revision of it.

K. Cost Sharing
The 90-10 ratio is consistent with federal - non-federal ratios specified for federal foster grandparent and senior companion programs.

L. Grant awards, suspension, termination

These policies are also consistent with those of the similar federal programs. They are explicit statements of information and instruction that can justify such consequential actions as grant awards or denials, suspensions, and terminations.

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

Vera J. Likins

Vera J. Likins
Commissioner

Dated: August 30, 1976

RECEIVED
SEP 9 1976
OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL

Address Reply to:
DEPARTMENT OF PUBLIC WELFARE
CENTENNIAL OFFICE BUILDING
ST. PAUL, MINNESOTA 55155
TELEPHONE (612) 296-6671

September 9, 1976

Mr. Steve Mihalchick
Office of Hearing Examiners
1745 University Avenue, Room 300
St. Paul, Minnesota 55104

Re: Proposed Rules 60 and 195 of the
Minnesota Department of Public Welfare

Dear Mr. Mihalchick:

Enclosed please find an amended Statement of Need and Statement of Evidence in the matter of Rule 195 of the Minnesota Department of Public Welfare. It is my understanding that if no one has appeared at your office requesting to see these documents, you will accept these amended statements and will make a finding that no one has been prejudiced by the submission of amended statements.

The Department wishes to advise you at this time that it is withdrawing proposed Rule 60.

Thank you for your cooperation in this matter.

Sincerely,

Barbara D. Gill

Barbara D. Gill
Special Assistant
Attorney General

BDG:jc

Dept Exhibit No. 12
File No.
Date

AN EQUAL OPPORTUNITY EMPLOYER

STATE OF MINNESOTA

COUNTY OF RAMSEY

RECEIVED
SEP 9 1976
OFFICE OF HEARING EXAMINERS

BEFORE VERA J. LIKINS
COMMISSIONER OF PUBLIC WELFARE

In the Matter of Rule 195 of the Minnesota Department of Public Welfare, Minnesota Senior Companion Program

STATEMENT OF NEED

The above-captioned rule is a new rule, mandated by Chapter 323, Minnesota Statutes 1976 which establishes the senior companion program, authorizes the board on aging to administer it in a coordinated manner with the Minnesota foster grandparent program and the federal foster grandparent and senior companion programs, and appropriates funds for its administration. Subdivision 4 of Chapter 323 specifies that, "The Minnesota Board on Aging shall promulgate rules necessary to implement the provisions of this act and may employ necessary assistance in performing its administraties duties. Rules adopted shall be consistent with applicable federal guidelines." Thus this rule follows the rules and regulations promulgated by the federal ACTION agency in the Federal Register, Vol. 39, No. 33 - Friday, February 15, 1974, for the Senior Companions Programs.

Coordination with other agencies is integral to aging program policies of avoiding duplication of services, gap-filling, and maximizing the use of existing services for the elderly.

Section A, entitled "Applicability and Purpose" and its two sub-sections, "1. Authority" and "2. Purpose" are necessary citations of the authority deriving from Chapter 323 and the intent to engage the services of low income people age 60 and older in providing supportive person to person assistance to handicapped adults. While some of handicapped persons receiving this assistance may be residents of group homes, nursing homes, or institutions, sub-section "2. Purpose" cites persons living in their own homes as the priority intended in the statute.

Section B, entitled "Definitions" is necessary to define the terms that are used in the rule.

The section entitled "C. Sponsor" is necessary to describe the basic conditions that would-be sponsors must meet.

Funding contracts with reputable, qualified agencies are intended to get the direct administration of services out ot the State Agency under terms that are mutually understood, that are consistent with the program's purposes, and that provide a base for accountability.

A sponsor may not be a volunteer station (sub-section 1.c.) because to be so would raise question about its motivation in the assignment of senior companions to its own services or facilities.

The intent of the Act is to give priority to services to people in their own homes. It is necessary to repeat this priority in section C.2. to insure that sponsors include it in their applications.

This section of the rule is reasonable because it is based on federal and state experience with the similar foster grandparent program.

Section D, entitled "SCP advisory council," is necessary to keep project structure and operations "consistent with applicable federal guidelines". It is reasonable because experience with advisory councils in other community service programs for the elderly--and especially those originating with federal Older Americans Act, and ACTION programs--have

Dept Exhibit No. 13

File No.

shown them to be good instruments for keeping programs related to the needs of the communities and people they would serve.

The section entitled "E. Service Area" is necessary because two or more projects in the same or overlapping areas would create competition and confusion in recruitment of volunteer stations and Senior Companions; cost effectiveness would be lowered.

The section entitled "F. Volunteer stations" is necessary to insure clarity of understanding between project and volunteer stations (the person or facilities to which the senior companions activities are directed), between project and senior companions, and between senior companions and the persons they serve. Such clarity is necessary to keep activities and relationships purposive. The program is not intended to be one of aimless, sporadic friendly visiting; it is not intended to prop up unlicensed or below standard facilities or services. The policies are reasonable in that they recognize that the needs and circumstances of both volunteer and person served are varied and subject to change.

The section entitled "G. Eligibility of senior companions" is necessary to describe the basic eligibility factors. The explicit detail of these policies is justified because the program is new and the demand for participation will be high.

The criterion "no longer in the regular work force" appears in all federal regulations and guidelines for programs using volunteers receiving stipends. To our knowledge it is not challenged. It does not bar the temporary, occassional work many older people engage in, nor the sheltered work and training for handicapped.

The section entitled "H. Service schedule" is necessary to define the maximum work week and other conditions of service as a senior companion that experience has shown need uniform and consistent interpretation.

The section entitled "I. Adults served" is necessary to detail priorities intended in the statute.

The section entitled "J. Responsibilities of the Board on Aging" is necessary to inform and reassure the public and interested parties that some policy and procedures, not inconsistent with law and the rule itself will be designed by the Board on Aging to promote efficacy and equity in the conduct of the program, and that they will be promulgated as guidelines interpretative of the rule, not as revision of it.

The section entitled "K. Cost sharing" is necessary and reasonable because the 90-10 ratio is consistent with federal - non-federal ratios specified for federal foster grandparent and senior companion programs and was clearly understood by the legislature to be the funding ratio for the beginning of this new program.

The section entitled "K.Grant awards, suspension, termination" is reasonable because these policies are consistent with those of the similar federal programs. They are necessary as explicit statements of information and instruction that can justify such consequential actions as grant awards or denials, suspensions, and terminations.

RECEIVED
SEP 9 1976
OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULE 195 OF THE DEPARTMENT OF PUBLIC WELFARE GOVERNING THE SENIOR COMPANION PROGRAM

STATMENT OF EVIDENCE

In addition to the "Statement of Need" which is available for inspection or purchase at the Office of Hearing Examiners, 1745 University Avenue, St. Paul, Minnesota 55104 and in support thereof the Department of Public Welfare will introduce the following evidence:

1. History of the predecessor programs: federal and state foster grandparent programs; federal senior companion programs.
2. History of Chapter 323, Minnesota Statutes, 1976, the Minnesota Senior Companion Act.
3. The organizational relationship of the Governor's Citizens Citizens on Aging, specified in the Act to administer the program, and the Department of Public Welfare, the promulgator of the rule.

We may call one or more of the following experts to testify:
Gerald A. Bloedow, Executive Secretary
Governor's Citizens Council on Aging.
Leo Feider, Planner
Governor's Citizens Council on Aging.
Arthur Weflen, Field Representative
Governor's Citizens Council on Aging.

We will be citing the following statutes:
1. Chapter 323, Minnesota Statutes 1976.
2. Minnesota Statutes 256.975 and 256.976.

Dated: September 8, 1976

Leo J. Feider

Dept Exhibit No. 14
File No.
Date

289

Attorney General

Barbara D. Gill
Special Assistant
Attorney General
Department of Welfare

296-4692

Michael B. Miller
Special Assistant
Attorney General

February 18, 1977

DPW Rule 195

As I indicated on the telephone yesterday, the documentation of the captioned rule requires the following:

1. A resolution by the Governor's Council on Aging ratifying the initiation of rulemaking by the Department of Welfare; and

2. A resolution by the Council authorizing its executive secretary formally to adopt the rule.

Upon submission of this additional documentation, the rule will be approved and filed.

MBM/sr

289

Barbara Gill
Special Assistant
Attorney General

May 2, 1977

- DPW 60 and 195 of rules of the Board on Aging governing Minnesota Senior Companion Program

RULES AND REGULATIONS

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Rules 60 and 195 of the Minnesota Department of Public Welfare

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500 labels 8

I hereby certify that the attached 4 1/4 sheet(s) constitute the complete list of persons, associations, and other interested groups who as of 1:15 o'clock P.M., this 19th day of August, 1976, have requested pursuant to M. S. 1974, Sec. 15.0412 1, 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.

Secretary of State

Joan Anderson Growe

By Ceil Dion

TRANSMITTAL - MESSAGE SLIP

TO	LOCATION
Michael B Miller	G-19 Admin
DATE	**TIME**
4/19/77	
FROM	**LOCATION**
Leo Feider	G-CCA (2813)

TRANSMITTAL ACTION	CALL OR VISIT
☐ Review and see me	NAME
☐ Review and return	
☐ Prepare reply for my sig.	FROM
☐ Reply and send me copy	
☐ For your approval	PHONE NO.
☐ For your information	
☐ For signature	☐ Called
☐ As we discussed	☐ Was here to see you
☐ As you requested	☐ Please call
☐ Take appropriate action	☐ Will call again
☐ Notify staff	☐ Returned your call

MESSAGE The original "original" of this Order Adopting Rule (WO 195) just disappeared. Mr Bloedow re-executed this

010 (Rev. 9-76) (55)

☐ OVER

ADMIN. 1000

STATE OF MINNESOTA

DEPARTMENT Attorney General

Office Memorandum

TO : Michael Miller
Special Assistant Attorney General
Department of Administration

DATE: 3/21/77

FROM : Barbara D. Gill
Special Assistant Attorney General
Department of Public Welfare

SUBJECT: DPW 195

Enclosed pursuant to your request is a Resolution by the Governor's Council on Aging ratifying the initiation of rulemaking by the Department of Public Welfare regarding Rule 195, and authorizing the Executive Secretary to formally adopt the rule. The actual Order adopting the rule is also enclosed.

I hope that this meets with your requirements and that the rule will be cleared for approval and filing.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE--BOARD ON AGING

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE BOARD ON AGING GOVERNING MINNESOTA SENIOR COMPANION PROGRAM.

ORDER ADOPTING RULES

The above entitled matter came on for hearing before Steve M. Mihalchick of the Minnesota Office of Hearing Examiners on the 24 day of September, 1976, at 9:00 A.M., in the (State Office Building Auditorium, St. Paul, Minnesota), after proper notice required by M.S. 1975, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

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

NOW, THEREFORE, IT IS ORDERED that these rules identified as Minnesota Rule DPW 195 relating to the Senior Companion Program are adopted this 19th day of November, 1976, pursuant to authority vested in me by Minnesota Laws 1976, Chapter 323 [Coded Minnesota Statute 256.977].

STATE OF MINNESOTA
BOARD ON AGING

Gerald A. Bloedow

Gerald A. Bloedow, Executive Secretary

REC'D MAR 9 - 1977



gcca
governor's citizens council on aging

RESOLUTION

The Minnesota Board on Aging in regular formal meeting in St. Paul on February 23, 1977 has voted affirmatively on the following declaration:

Be it resolved: That Gerald A. Bloedow, Executive Secretary, Minnesota Board on Aging is hereby authorized to adopt and implement Public Welfare Rule 195, Senior Companion Program, as amended.

Be it resolved: That the Commissioner of Public Welfare is and was authorized to sign and promulgate the Order for Hearing and the Notice of Hearing on Public Welfare Rule 195.

Cy Carpenter,
Chairman

suite 204, metro sq. bldg. 7th and robert st. paul, minnesota 55101 612/296-2770

minnesota department of public welfare

an equal opportunity employer

Original

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE--BOARD ON AGING

IN THE MATTER OF THE PROPOSED ADOPTION
OF RULES OF THE BOARD ON AGING GOVERNING
MINNESOTA SENIOR COMPANION PROGRAM.

ORDER ADOPTING RULES

The above entitled matter came on for hearing before Steve M. Mihalchick of the Minnesota Office of Hearing Examiners on the 24 day of September, 1976, at 9:00 A.M., in the (State Office Building Auditorium, St. Paul, Minnesota), after proper notice required by M.S. 1975, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

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STATE OF MINNESOTA
BOARD ON AGING

Gerald A. Bloedow AR

Gerald A. Bloedow, Executive Secretary

ADMIN 1000A

STATE OF MINNESOTA

DEPARTMENT of Public Welfare

Office Memorandum

TO : Michael Miller
Special Assistant Attorney General
Department of Administration

DATE: January 13, 1977

FROM : Barbara Gill
Special Assistant Attorney General
Department of Public Welfare

SUBJECT: Rule 195

The attached documents are being submitted to you for your approval concerning Rule 195.

Please note that Rule 60, which was scheduled to be heard at the same hearing as Rule 195, was withdrawn. The cancellation notice appeared in the State Register and was communicated to the Office of Hearing Examiners in my September 9, 1976 letter to them.

Please call Bob Hamper, Liason Officer, at 2794 when the Rule has been approved and filed with the Secretary of State. He will arrange for pick-up of the Rule and will have it printed in the State Register.

BG:RJH:sw

PROPOSED

DEPARTMENT OF PUBLIC WELFARE RULE 195

MINNESOTA BOARD ON AGING

SENIOR COMPANION PROGRAM

RECEIVED
AUG 20 1976
OFFICE OF HEARING EXAMINERS

A. Applicability and Purpose

1. Authority

This rule is enacted pursuant to the statutory authority vested in the Minnesota Board on Aging and the department of Public Welfare pursuant to Minnesota Lasw 1976, Chapter 323, establishing a senior companion program to engage the services of low income persons aged 60 or over to provide supportive person to person assistance in health, education, welfare and related fields primarily to handicapped adults and elderly people living in their own homes.

2. Purpose

The purpose of the senior companion program (SCP) is to provide meaningful part-time volunteer opportunities for low-income older persons to render supportive person-to-person services to adults with special or exceptional needs in health, education, welfare and related fields. The services are intended primarily for persons in their own homes, but those in group homes, nursing homes, or other public or private nonprofit institutions or agencies, providing care for handicapped adults or elderly persons may also be served.

B. Definitions

1. Board on Aging--a board established pursuant to Minnesota Statutes 256.975 and 256.976, previously titled and known as the Governor's Citizens Council on Aging.

2. Memo of Understanding--a written agreement between sponsor and person to be served, appropriate caretaker, or an authorized official of a volunteer station that specifies working relationships, channels of communication, and means of cooperation between the parties to the agreement.

3. Persons To Be Served--the handicapped and older people who receive the supportive person to person assistance of the volunteer Senior Companions.

4. Project Advisory Council--the Council established pursuant to this rule to advise and assist the sponsors on matters of planning, community participation and financial support.

5. Project Sponsor--the agency or organization awarded the grant and the authority to administer the Senior Companion Program in a specified area pursuant to this rule.

Dept Exhibit No. 2
File No.
Date

6. Volunteers--as used herein, a person who proffers his or her time and efforts in supportive person-to-person services as a Senior Companion (SC) Volunteers for an agreed upon stipend.

7. Volunteer Station--a private home, public or private non-profit agency, institution or organization, or proprietary health care organization or facility, in which or through which persons to be served by senior companion services are found, or made accessible to these services.

C. Sponsor

1. To become the sponsor of an SC project for a community, an organization shall submit a grant application, consistent in form and content with these rules, to the Board on Aging for funds to develop and operate an SC project. In order to receive a grant, it is required that the potential sponsor shall:

   a. Be a public or private nonprofit agency or organization with the authority to accept and administer such grants.
   b. Agree to administer the project in accordance with state legislation and rules, policies and procedures, and the conditions of the grant award set forth by the Board on Aging.
   c. Accept full responsibility in the community for the development, implementation, management, and funding of the project.
   d. Not be a volunteer station.
   e. Provide written assurances that the project will be conducted in consultation with, or with the participation of, an area agency on aging, the regional coordinating agent of the Board.

2. Applications to provide senior companion services to individuals in their homes shall have priority over applications to provide services to those in group homes, or institutions.

D. SCP advisory council

1. A project advisory council shall be established by the sponsor to meet regularly in order to advise and assist the sponsor on matters concerning planning, community participation, and financial support, and project policies and operational issues.

E. Service area

1. An SC project shall have an exclusive, geographicably defined, service area from which senior companion volunteers are recruited and in which they serve. The service area will be identified in the approved project plan and may not be redefined without the prior written approval of the Board on Aging.

F. Volunteer stations

1. Volunteer stations shall be within the project's geographical service area as defined in the approved grant application.

2. Each facility other than a private home, serving as a volunteer station, shall be licensed or otherwise certified by the appropriate state or local licensing authority.

3. A volunteer station shall not request or receive any compensation for services of Senior Companions supervised by it.

4. A volunteer station shall not be a project sponsor.

5. Assignment of senior companions to private homes will be made only with concurrence of the project director and after a memo of understanding has been obtained from the person to be served or an appropriate caretaker.

G. Eligibility of senior companions

1. To be eligible for enrollment as a volunteer, senior companions shall;

   a. Be 60 years of age or over.
   b. Have an annual income at or below the applicable income eligibility level as established by the Board.
   c. No longer be in the regular work force.

2. In computing combined annual income of married couples prior to enrolling them both as senior companions, one senior companion stipend must be included in the determination of maximum annual income.

3. There are no enrollment barriers for senior companions relating to experience, education, race, sex, creed, national origin, or political affiliation.

4. After enrollment as a senior companion, no person shall be terminated as a result of change in eligibility requirements, nor as a result of a change in his income, marital status, or number of dependents.

H. Service schedule

1. Senior companions shall be compensated for no more than 20 hours a week, in accordance with the schedule of the persons being served, as approved in the grant application. Exceptions to the service schedule authorized by the grant award may be made by the sponsor for unusual situations but only with the concurrence of the Board on Aging in the form of a project amendment. Twenty hours a week may not be exceeded.

2. Personnel policies for the senior companion's insurance, vacation, sick leave, holidays, etc., shall be consistent with those of the sponsor and be developed in consultation with the project advisory council.

3. Time required for transportation between the senior companion's home and the volunteer station shall not be considered a part of the service schedule. When persons are served in their own homes, transportation time between two or more such assignments is considered part of the service schedule.

I. Adults served

1. Senior companions may provide frequent supportive person-to-person services on a regular schedule to adults with exceptional needs, especially older persons living in their own homes, in nursing homes and in other institutions. Persons to be served include, but are not limited to, adults receiving home health care and nursing care and those with developmental disabilities.

2. Volunteer stations, with concurrence of project staff, select the adults in need of individual attention and project staff, with concurrence of the volunteer station, assigns senior companions to the adults.

3. Statewide and in each project, at least 50 percent of the persons served by senior companions shall be age 60 or older.

J. Responsibilities of the Board on Aging.

1. Pursuant to the intent of the Senior Companion Act and these rules, the Board on Aging shall, from time to time, develop and promulgate policy guidelines and forms for the administration of uniform and equitable procedures in setting or revising:

   a. The level of maximum annual income for determination of eligibility of senior companions, consistent with changing costs of living and the levels prescribed for other federal and state programs using volunteer stipends.
   b. Service areas for SCP projects consistent with the availability of funds and coordination with other federal and state programs for older and handicapped people.
   c. Levels of stipend, insurance protection, travel expense, or other expenditures that must vary with costs and that are not otherwise prescribed in law or these rules.
   d. The provision of technical assistance by the state and area agencies on aging to senior companion projects.

K. Cost sharing

1. The state will fund up to 90 percent of an approved project budget. Ten percent or more of the total approved budget shall be provided locally by or through the sponsor in the form of cash or in-kind contributions. Actual local expenditures must reach at least the percentage of non-state support identified in the acceptance of the grant award. Sponsors will be encouraged to increase non-state support of the project beyond minimum requirements.

L. Grant awards, suspension, termination

1. Grant awards made by the Board on Aging:

   a. Shall be for one year or less.
   b. Shall not be used to match other state funds.
   c. Shall not be used to replace any staff members of the grantee.

2. Grant applications must specify the geographic area to be served, the number of persons and the kinds of disabilities expected to be served, and the numbers of senior companions to be used, together with the kinds of service they are expected to provide. Project expenditures must be restricted to the persons and services specified for that area.

3. The Board on Aging may suspend further payments to a sponsor or terminate payments under a grant when there is a material failure to comply with its terms and conditions. However, no grant may be terminated without reasonable notice to the sponsor and an opportunity for a full and fair hearing. Suspension, except in emergency situations, as well as the denial of an application for refunding (continuation grant), will only take place after the sponsor has been given reasonable notice and an opportunity to show cause why such an action should not be taken.

4. A record keeping system shall be established by each project to allow for collection and storage of information on senior companions, their assignments, volunteer stations and other necessary information, including senior companion and project costs. A semi-annual report shall be filed with the board on aging.

Copy of Rule 195 submitted 8/9/76 for publication in State Register on 8/23/76.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE VERA J. LIKINS

COMMISSIONER OF PUBLIC WELFARE

RECEIVED
AUG 20 1976
OFFICE OF HEARING EXAMINERS

In the Matter of the Proposed Rules 60 and 195 of the Minnesota Department of Public Welfare

ORDER FOR HEARING

The Commissioner of the Minnesota Department of Public Welfare deems it necessary to consider adoption of the proposed Rules 60 and 195 pursuant to the authority vested in her by Minnesota Statutes 1974, as amended.

NOW, THEREFORE, IT IS ORDERED this 19th day of August, 1976, that a public hearing on the proposed rules captioned above be held in the State Office Building Auditorium, St. Paul, Minnesota, on September 24, 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 concerning rules scheduled each day.

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.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

VERA J. LIKINS
COMMISSIONER, MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

Dated: Aug 19, 1976

Dept Exhibit No. 3
File
Date

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE VERA J. LIKINS

COMMISSIONER OF PUBLIC WELFARE

RECEIVED
AUG 20 1976
OFFICE OF HEARING EXAMINERS

In the Matter of the Proposed Rules 60 and 195 of the Minnesota Department of Public Welfare

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held pursuant to Minnesota Statutes 15.0412, subd. 4 (1975 SUPP), as amended, regarding the above-entitled matter, in the State Office Building Auditorium (Room 83), Wabasha Street (between Aurora and Fuller), St. Paul, Minnesota, on Friday, September 24, 1976, commencing at 9:00 a.m., and continuing until all representatives or other interested groups or persons have had an opportunity to be heard concerning proposed Rules 60 and 195 by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted without appearing at the hearing.

Rule 60, Red Lake Indian Payments, governs the administration of the Red Lake Indian Appropriation. It is promulgated under Minnesota Statutes 1975, Chapter 361.

The Red Lake Indian Payments Rule is intended to determine how much equalization aid is attributable to Red Lake Indians and the method by which the counties apply for Red Lake Indian monies.

Rule 195, Minnesota Senior Companion Program governs the administration of the Minnesota Senior Companion Program. It is promulgated under Minnesota Statutes 1976, Chapter 323.

The Senior Companion Act is intended to enlarge the authority for, and the funding of, volunteer activities for low-income senior citizens beyond those provided in the predecessor state and federal programs of foster grandparents and senior companions so that these volunteer activities can also be directed to adult, non-institutionalized persons.

Under Minnesota Statutes 10A.01, subd. 11 (1974), any individual representing persons or associations attempting to influence administrative action, such as promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five (5) days of the commencement of such activity by the individual. (The State Ethics Commission is located at Room 410, State Office Building, St. Paul, Minnesota 55155.)

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 Steve Mihalchick, Office of Hearing Examiners, 1745 University Avenue, St. Paul, Minnesota 55104, within 20 days following conclusion of the hearing. If the person submitting a written document cannot be present to read his statement at the hearing, the document will be entered into the record. For those persons wishing to submit written statements or exhibits, it is requested that a least three (3) copies of each statement, exhibit or summary be furnished at the hearing. It is suggested that to save time and avoid duplication, those organizations or associations sharing common viewpoints or interests in these proceedings join together where possible and present a single statement on behalf of such interests. All statements submitted should clearly identify the rule number to which the statement pertains.

Dept Exhibit No. 4

Copies of the rules are now available and may be obtained by writing: Leo Fieder, Governor's Citizens Council on Aging, Suite 204 Metro Square, 7th and Robert Streets,

Date

St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing.

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

VERA J. LIKINS
Commissioner

Dated: Aug 17, 1976

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BADALICH JOHN P
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Boards File No. 15 Date

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ANDREW MARK STATE SENATE
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ARROWHEAD REG. DEV COMM.
211 W 2ND ST
DULUTH M
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ARROWHEAD REGIONAL DEV COMM
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BROWN H D
4961 KINGSBERRY LANE
MINNETONKA MN
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ST PAUL MN
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COON RAPIDS MN
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HOPKINS MN

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GOLDEN VALLEY MN
55422

HORNER WALDORF - KAZIUKEWICZ
PO BOX 3260
ST PAUL MN
55165

HOUSE RESEARCH
RM 17 STATE CAPITOL
ST PAUL MN
55155

HULSTRAND ANDERSON & LARSON
PO BOX 130
WILLMAR MN
56201

HUSEBYE, CRAIG J.
5036 FRANCE S.
EDINA MN
55410

HUNT JAMES P JR
11470 GALTIER DR
BURNSVILLE MN
55378

HELTZER JAMES
DAYTON HUDSON
777 NICOLLET MALL
MPLS MN 55402

HYLAND DEAN
1501 W 50TH ST
MPLS MN
55419

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

INS FED OF MINN
902 SOO LINE BLDG
MPLS MN
55402

IVERSON DR JOS DEPT ED
ST OLAF COLLEGE
NORTHFIELD MN
55057

IZAAK WALTON MN DIV
111 E FRANKLIN RM-210
MPLS MN
55404

JAIN NIRMAL ENIV PROCESS
1220 GLENWOOD AVE
MPLS MN
55405

JENOS INC
525 LAKE AVE SO
DULUTH MN
55801

JENSEN MRS GAYNOLD
111 WEST 107TH ST
MPLS MN
55420

JOHANSEN BUS SERV INC
19 DAYTON RD
CHAMPLIN MN
55316

JOHNSON G ROBERT
4344 IDS CENTER
MPLS M
N5540

JOHNSON LEROY
9939 BLUEBIRD ST NW
COON RAPIDS MN
55433

KABLE RICHARD W

BETHEL MN
55006

KEENAN RICHARD J
4444 IDS BLDG
MPLS MN
55402

KEILY DANILE
3549 V2 PLEASANT AVE
MPLS MN
55408

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

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

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

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

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

KRAMER ERNEST W
717 DELAWARE ST SE
MPLS MN
55440

KROON H CLIFTON
210 E WALNUT
MANKATO MN
56001

KUHL CARL
4421 4TH ST NE
COL HEIGHTS MN
55421

LABELLE JUANITA MRS
5816 AQUILA AVE NO
NEW HOPE MN
55428

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

LANSING & OAKES
400 SIBLEY ST
ST PAUL MN
55101

LAPP LAZAR LAURIE ET AL
1200 BUILDERS EXCHANGE
MINNEAPOLIS MN
55402

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

LOWE DOUG
2701 N LEXINGTON AVE
ROSEVILLE MN
55113

LUTH SOC SERVICE OF MN
2414 PARK AVE
MPLS M
N5540

JOHNSON M.D. FRUNDT & FRUNDT
BLUE EARTH MN
56013

JOHNSON LANCE J
265 S LAFAYETTE RD
ST PAUL MN
55107

KAVANEY RICHARD
1220 NORTHERN FED BLDG
ST PAUL MN
55102

KEABLE MIKE
909 6TH AVE N
ST CLOUD MN
56301

KIMBALL ROBERT
647 CAPITOL SQ BLDG
ST PAUL MN
55101

KJERVIK DIANE
4302 POWEL HALL U OF M
MPLS MN

KNAPP J A
RM 3 CAPITOL
ST PAUL MN
5515

KNOPP TIMOTHY
COLLEGE FORESTRY U OF M
ST PAUL MN
55108

KNVDSON ROBT
4375 BROWNDALE AVE
MPLS MN
55424

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

KROEGER CHARLES
122 NW 7TH STREET
FARIBAULT MN
55021

KRONLOKKEN J E
10048 NORD RD
BLOOMINGTON MN
55437

KVB ENGINEERING INC
600 S CO RD 18
MPLS MN
55426

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

LANGVIN DAVID
7500 80TH ST S
COTTAGE GROVE MN
55016

LARSON C L
3800 MINNEHAHA AVE SO
MPLS MN
55406

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

LEG.REF.LIB-Z. DEWITT
RM 111 STATE CAPITOL
ST PAUL MN
55155

LEWIS DR.G.M JR.
ABBOTT 110 E 18TH ST
MPLS M
N5540

LOCKNER GARY
R R 1 BOX 23
BAUDETTE MN
56623

LOOS CALVIN J
6809 LYNDALE AVE SO
MPLS MN
55423

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

MANSFIELD LARRY
HCARC 22 27TH AVE SE
MPLS MN
55414

MCDONALD PHILIP M
2077 SELBY AVE
ST PAUL MN
55104

MCLELLAN LARKIN
215 ADM BLDG ST CAPITOL
ST PAUL MN
55101

MANKATO STATE STUDENT ASSN
BOX 58 MANKATO COLLEGE
MANKATO MN
56001

MANTHEY T J PICKANDS MATHER
1100 SUPERIOR AVE
CLEVELAND OH
44114

MAUL WARREN E
320 S 4TH ST
MPLS MN
55415

MAYO FOUNDATION G ORWOLL
200 FIRST AVE NW
ROCHESTER MN
55901

MEIEROTTO, JOAN
1794 SO LEXINGTON
ST PAUL MN
55118

MERRITT GRANT POLLUTION CONT
1935 W CO RD 32
ROSEVILLE MN
55113

MEYER HERBERT
10824 ZENITH AVE S
BLOOMINGTON MN
55431

MIDLAND GLASS- HD SPURLING
PO BOX 69
SHAKOPEE MN
55379

MINN RETAIL FED INS
131 METRO SP
ST PAUL MN
55101

MPLS CITY ATTORNEY
325M CITY HALL
MPLS MN
55415

MIDLAND GLASS-HD SPURLING
PO BOX 69
SHAKOPEE MN
55379

MILLER PAUL J PHARMACY SERV
ST MARYS HOSP
ROCHESTER MN
55901

MN AFL-CIO L.C. LASHCMB
175 AURORA
ST PAUL MN
55103

MN.BD OF NURSING
717 DELAWARE ST SE
MPLS MN
55414

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

MINN ASSN COOPERATIVES
55 SHERBURNE AVE
ST PAUL MN
55103

MINN ASSN VOL SOC SERVICE
1821 UNIV SUITE 389
ST PAUL MN
~~55114~~ 55114

MINN ASSN WATERSHED DIST'S

ADA MN
56510

MINN COMMUNITY DEVELOP SERV
512 ROSSMOR BLDG
ST PAUL MN
55101

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

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

MCKIBBON MRS SHIRLEY
11 EVERGREEN LN
BABBITT MN
55706

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

MANKATO STAT STUDENT SENA
CENTENNIAL STUDENT UN
MANKATO MN
56001

MARRINAN MARGARET M
1117 COMMERCE BLDG
ST PAUL MN
55101

MASTOR & MATTSON LTD
315 PEAVEY BLDG
MPLS MN
55402

MECCA
867 GRAND AVE
ST PAUL MN
55105

MET. WASTE CONTOL COMM.
350 METRO SQ BLG
ST PAUL M
N5510

MET TFR MEN ASSN A ROSENTHAL
1821 UNIV AVE
ST PAUL MN
55104

METROPOLITAN COUNCIL LIBR
300 METRO SQUARE
ST PAUL MN
55155

MILLER RICHARD A
1020 PLYMOUTH BLDG
MPLS MN
55402

MILLER TOM
2311 PILLSBURY AVE S
MPLS MN
55404

MPLS STAR PRESS ROOM
STATE CAPITOL
ST PAUL MN
55101

MPLS TRIBUNE CITY DESK
425 PORTLAND AVE
MPLS MN
55415

MINN APT ASSN
GRIGGS-MIDWAY BLDG
ST PAUL MN
55104

MN. ASN.C&IND H.D.PETERSO
480 CEDAR ST.
ST.PAUL MN
55101

MN SOC SERV ASS J HOOD
614 PORTLAND
ST PAUL MN
55102

MN STATE SER BLIND-K NATA
1745 UNIVERSITY AVE
ST PAUL MN
55104

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

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

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

MINN FARMERS UNION PRES O
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 HWYS MANAGEMENT SERVICE
407 HWY BLDG
ST PAUL MN
55101

MINN LAND USE COMMITTEE
4344 IDS CENTER
MPLS MN
55402

MINN MTR TRANSP J N DENN
1821 UNIV
ST PAUL MN
55104

MINN PETROLEUM COUNCIL
1020 NORTHERN FED BLDG
ST PAUL MN
55102

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

MINN RESTAURANT ASSN
2001 UNIVERSITY AVE
ST PAUL MN 55
104

MINN SOC CERTIFIED PUB ACCTS
1102 WESLEY TEMPLE BLDG
MPLS MN
55403

MINN STATE BAR ASSN
100 MINN FED BLDG
MPLS MN
55402

MINN STATE MED ASSN
375 JACKSON ST
ST PAUL MN
55101

MINN STATE RETIREMENT SYSTEM
529 JACKSON ST
ST PAUL MN
55101

MINN TURKEY GROWERS ASSN
2383 UNIV AVE
ST PAUL MN
55114

MINN VETERANS MED ASSN
2175 W HWY 36
ROSEVILLE MN
55113

MN ELECTRICAL ASSN
3100 HUMBOLT SO
MPLS MN
55408

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

MORTON BUILDINGS INC
R #1
FOLEY MN
56329

MPIRG
BOX 45 ST MARYS COLLEGE
WINONA MN
55987

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

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

NEUMAN RALPH W
RT 2 BOX 125
EMBARRASS MN
55732

NIELSEN STOCK & BLACKBURN
415 730 BLDG
MPLS MN

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

MINN HOUSING INST N T CAR
7801 METRO PKWY
MPLS MN
55420

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 POLLUTION CONTROL AGCY
1935 W CO RD B2
ROSEVILLE M
N5511

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 DENTISTRY
717 SE DELAWARE
MPLS M
N5541

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

MINN TEAMSTERS CREDIT UNION
2021 HENN AVE E
MPLS MN
55413

MINN TBR PRODUCERS ASSN
200 CHRISTIE BLDG
DULUTH MN
55802

MINN WATER RESOURCES BD
RM 206 555 WABASHA ST
ST PAUL MN
55102

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

MOFFITT R C
RM 301 M MPLS CITYHALL
MPLS MN
55415

MOOD R BLOOMINGTON HLTH D
10200 PENN SO
BLOOMINGTON MN
55431

MURPHY DIANA E
4200 IDS-LINDQUIST VENN
MPLS MN
55402

NATL COUNCIL JEWISH WOMEN
4330 CEDAR LK RD
MPLS MN
55416

NATL FAMILY INS CO
2147 UNIV AVE
ST PAUL MN
55114

NEDELL HAROLD - MEINEKE
6300 W LOOP S SUITE 200
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

NORTH CENTRAL ELEC ASSN
PO BOX 202
BATTLE LAKE MN
56515

NUGENT, CYNTHIA L.
3581 OWASSO ST #209
ST PAUL M
N5511

NUTTER JULIA
743 W MONTANA
ST PAUL MN
55117

NW COUNTRY ELEVATOR ASSN
802 GRAIN EXCH BLDG
MPLS MN
55415

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

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

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

OLSON KATHLEEN
192 SEYMOUR AVE SE
MPLS M
N5541

PATTISON ORVIS
BOX 645
WILLMAR MN
56201

PETERSON JOHN W
510 NW BK BLDG
ST PAUL MN
55101

PETERSON GARY
854 MIDLAND BK BLDG
MPLS MN
55401

PHILLIPS LEGISLATIVE SERVICE
459 RICE ST
ST PAUL MN
55103

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

PORTER LYLE O

TRACY MN
56175

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

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

PROCTOR&GAMBLE L THEOHAROUS
IVORYDALE TECH CENTER
CINCINNATI OH
45217

RADMAN RICHARD-LABOR TEMPLE
418 AUDITORIUM
ST PAUL MN
55102

RAMSEY CO MEDICAL SOCIETY
~~1500 LOWRY MEDICAL BLDG~~
ST PAUL MN
~~55103~~ 908 AM NATL BK BLDG 55101

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

REID DAVID H
6469 N GRAHAM RD
INDIANAPOLIS I
N4622

RED OWL STORES INC
215 E EXCELSIOR AVE
HOPKINS MN
55343

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

NURSING HOME RES ADV CO.
111 E FRANKLIN S210
MPLS M
N5540

NW REG. DEV. COMM
425 WOODLAND AVE
CROOKSTON M
N5671

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

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
ST PAUL MN
55101

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

OSTRUM DONALD E
PO BOX 33163
COON RAPIDS MN
55433

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

PAYNE COL ALVIN

DEGRAFF MN
56233

PAYNE WM B
2400 FIRST NATL BK BLDG
MPLS MN
55402

PFEIFER AND SHULTZ, INC
1433 UTICA AVE S
MPLS MN
55416

PHAR MFGRS ASSN WM D PATT
1155 15TH ST NW
WASHINGTON DC DC
20005

POPOVICH PETER S
314 MINN BLDG
ST PAUL MN
55101

PORTER DAVID
5217 27TH AVE S
MPLS M
N5541

POSS DONALD G
6301 SHINGLE CREEK PKWY
BROOKLYN CTR MN
55430

POYZER ROBT
BOX 675
FERGUS FALLS MN
56357

PULSCHER RBT SPRINGSTED INC
813 OSBORN BLDG
ST PAUL MN
55102

RALPH BURKE ASSOCIATES
7710 COMPUTER =S101
MPLS M
N5543

RANALLO CLARENCE
800 CENTRAL AVE N E
MPLS MN
55413

REAGAN MICHAEL
% MINN LEARNING CTR
BRAINERD MN
56401

REARDON MRS HELEN
1125 S E 6TH ST
WILLMAR MN
56201

REGION FIVE REG. DEV. COMM.
102 6TH ST N
STAPLES M
N5647

REGION NINE DEV. COMM.
709 N FRONT ST
MANKATO M
N5600

REINO O LAINE 3M COMPANY
3M CENTER
ST PAUL MN
55101

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

RICHARDS MONTGOMERY ET AL
1430 RAND TOWER
MPLS MN
55402

RIEKE DAVID R
P O BX 509
THIEF RIV FLS MN
56701

ROBERTS DR ALAN
BOX 297 MAYO U OF M
MPLS M
N5545

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

SEMHSA RC MELIN
1903 S BdWY
ROCHESTER MN 55901

RUDY FLOYD
118 AVE C
CLOQUET MN
55720

SATHRE, HARVEY
375 MARION STREET
ST PAUL MN
55103

SAX DOVE & STENSON
310 ENDICOTT BLDG
ST PAUL MN
55101

ST PAUL BUR HLTH DR P COX
555 CEDAR ST
ST PAUL MN
55101

ST PAUL FOOD RETAILERS ASSN
1220 ARCADE
ST PAUL MN
55106

SCHLICHT REV ROBT
611 W MAIN ST
BELLE PLAINE MN
56011

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

SCHNEIDER MAHLON
GREEN GIANT
LESUEUR MN
56058

SCHUTZ LINDA
RM 328 CAPITOL BLDG
ST PAUL MN
55155

SCHWINN ROBT.P.
1400 SOO LINE BLDG.
MPLS. MN
55402

SCHNEIDER & NEESER
706 1ST ST SO PO BX 876
WILLMAR MN
56201

SENATE COUN OFF ROOM 24
STATE CAPITOL
ST PAUL MN
55101

SENATE FINANCE COMMITTEE
113 STATE CAPITOL
ST PAUL MN
55101

SHARP BOB
4125 HIGHWOOD RD
ST LOUIS PK MN
55416

SHAW ROBERT M
616 MOBIL OIL BLDG
MPLS MN
55402

SIX W REG. DEV. COMM
128 W SORENSON
APPLETON M
N5620

RENQUIST ARTHUR NSP CO
414 NICOLLET MALL
MPLS MN
55401

RICHARDSON THOS
7851 METRO PKWY S 103
MPLS MN
55420

ROE DAVID
175 AURORA
ST PAUL MN
55103

ROBBIE JOSEPH
904 CARGILL BLDG NO CTR
MPLS MN
55402

ROSS ALFRED
6356 WARE RD
LINO LAKES MN
55014

ROSS ROY J
CLK TREAS
LITCHFIELD MN
55355

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

SANFORD S M
7000 PORTLAND AVE
RICHFIELD MN
55423

SE MN REG DEV COMM
301 MARQ BK BLDG
ROCHESTER M
N5590

ST PAUL ASSN PLBG HTG MEC
614 AM NATL BK
ST PAUL MN

SW REGIONAL DEV COMM
2811 BDWY
SLAYTON M
N5617

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

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

SCHMIDT LARRY WCCO-TV NEW
50 S 9TH ST
MPLS MN
55402

SCHWARTAU NEAL METH HOSP
201 W CENTER ST
ROCHESTER MN
55901

SCHWERMAN EARL JR
1535 8TH AVE SE
ROCHESTER MN
55901

SCHROEDER ALFRED H
2172 CARROLL AVE
ST PAUL MN
55104

SELECTVISION INC FR VALEN
245 PARK AVE
NEW YORK NY
10017

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

SHABATURA EUGENE H
2833 LAKE AVE SO
DULUTH MN
55811

SITE ENGINEERS INC
900 REDWELL LANE
APPLE VALLEY MN
55124

SIX EAST REG. DEV. COMM.
311 W 6TH ST
WILLMAR M
N5620

SMERIKA WM.
BOISE CASCADE PAPERS
INTL FALLS MN
56649

SMITH MICHAEL
1423 NEWTON AVE N
MPLS MN
55411

SODERBERG HAROLD J
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

SODERMAN ANTHONY
152 S PLAZA BLDG
MPLS MN
55416

STATE&FED ASSOC
1101 15TH ST NW_S.309
WASHINGTON DC
20005

STATE & FED ASSOCIATES
1101 15TH ST NW S 309
WASHINGTON DC
20005

STEELWORKERS CREDIT UNION
BOX 250
BABBITT MN
55706

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

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

SUSSEL CO.ATTN:TED SCHWEN
1850 COMO AVE.
ST PAUL MN
55108

SWANSON GERALD H
212 CITY HALL
ROCHESTER MN
55901

SWANSON MORTIMER C
5824 FRANCE AVE S
EDINA MN
55410

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

THOMPSON CONRAD
1107 23RD ST NW
ROCHESTER MN
55901

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

TWIN CITY RETAIL DRUGGIST
2388 UNIV AVE
ST PAUL MN
55104

VANDERVOORT T J MET WASTE
350 METRO SQUARE BLDG
ST PAUL MN
55101

VAN EVERA MUNDT ET AL
700 TORREY BLDG
DULUTH MN
55802

VERRILL JOHN E
DEPT SECONDARY ED UOF M
DULUTH MN
55812

VOLDNESS PERRY
IDS 8TH & MARQUETTE
MPLS MN
55402

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

WALD JEAN
5746 SANDER DR
MPLS MN
55417

WALTERS THOS H
4510 W 77TH ST STE 235
MPLS MN
55435

WELK G V NORTHERN STATES
414 NICOLLET MALL
MPLS MN
55401

WELLINGTON R R SKELLY OIL
PO BOX 1650
TULSA OK
75102

SNELL LYN
BOX 314
EDEN VALLEY MN
55329

SNYDER ROBERT W
248 CO B U OF M
ST PAUL MN
55101

STANSFIELD ARLENE LAND OLKS
PO BOX 116
MPLS MN
55440

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

STATE REGISTER
95 SHERBURNE, RM 208
ST PAUL M
N5510

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

STUPKA & MOREM
MIDTOWN BLDG
AUSTIN MN
55912

SULLIVAN J KIRK
PO BOX 200
BOISE ID
83701

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

SWANSON DALE
P O BOX 339
FOREST LAKE MN
55025

SWEITZER R L HONEYWELL INC
2701 4TH AVE S
MPLS MN
55408

THOMPSON HESSIAN ET AL
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

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

UNION STOCK YARDS
ATTN PRES
SO ST PAUL MN
55075

VAN CLEVE JOHN H
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55405

VAN DRAKE STEPHEN R
BOX 353
PELICAN RAPID MN
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VIITALA, W.C. HONEYWELL
HONEYWELL PLAZA
MPLS MN
55408

VILLAGE OF WOODBURY
2100 RADIO DRIVE
WOODBURY MN
55042

VOS LEROY
2137 BURNS AVE
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55119

WANQUIST ALLEN
RM 252 FEDERAL BLDG
ST PAUL MN
55101

WATERS, DONNA M.
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CHASKA MN
55318

WHITING RALPH
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ST PAUL MN
55102

WHITLOCK A G
ECON LAB OSBORN BLDG
ST PAUL MN
55102

WILEY ENTERPRISES
101 5TH AVE SE
OSSEO MN
55369

WILLIAMS THOS W
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FRANCIS CREEK WI

WYANT CLINTON W ATTY

ATKIN MN
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ZIMMERMAN & OFFERMAN
CAMBRIDGE STATE HOSP
CAMBRIDGE M
N5500

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Lois ~~Logan~~ Wallan
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R.R. #1
Mora, Minnesota 55051
612/679-1810

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RULE + NOTICE

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Now 1697 Wilson Ave

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merged with Mower 7/1/76

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Zumbro Valley MH-MR Area Board
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Rule + Notice

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REGION III
Arrowhead Regional Development Commission
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218-722-5545

REGION IV
West Central Regional Development Commission
Laurel Sorlie, Project Director
Administration Building
Fergus Falls Community College
Fergus Falls, MN 56345
218-379-3356

REGION V
Region V Development Commission
James B. Sims, Project Director
102-6th Street North
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REGION X
Gil Wilkins, Program Manager
Southeastern Regional Development Commission
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Metropolitan Council
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Anoka Co. Comprehensive Health Dept., Courthouse, Anoka 55303

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

Children's Placement Service, Amherst H. Wilder Foundation, 919 Lafond Ave. St. Paul 55104

Community Mental Health Bd. of the Northern Pines Mental Health Ct., 103-105 1st St. S.E., Little Falls, 5634

Cooper, Laura Prof.,U of M Law Sch, Rm 125 Fraser Hall, Mpls 55455

Curtis E. Louis (Cr.) Prof. Education U M, Morris, 56267

Dale, Randy L, Immanuel-St. Joseph Hospital, Mankato 56001

Damon Corp., Att: B.G. Goodman, 115 4th Ave., Needham Heights, MA 02194

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

Friesen, Miller A., Hiawatha Valley Mental Health Ct., Box 619, Winona 55987

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

Henn Cty Family Day Care Ass., 404 E. 48th St., Mpls 55409

Hiawatha Valley Mental Health Center, 76 E. 4th St., Winona 55987

Karlins, Miriam, 6450 York Ave. S., Mpls. 55435

Kurtz, Kirsten (Mrs.) MN Nurses Ass., 1821 Univ. Ave., St. Paul 55104

Legal Aid Society, 501 Park Ave., Mpls 55415

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

Long, Nicholas (Dr.), 407 Medical Arts Bldg., Mpls. 55402

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

Metro Community Health Consortium, 1729 Nicollet Ave., Mpls 55403

Minneapolis & Henn Cty Mental Health Clinic, 619 S. 5th St., Mpls 55415

Minn.Assn for Ed. of Young Children, Rm 373 S. Griggs Midway, 1821 Univ. St. Paul 55104

Minn.Assn of Health Care Facilities, 2850 Metro Dr., Suite 431, Mpls. 55420

Minn.Legislative Comm of Blind, 1605 Eustis, St. Paul, 55108

Minn.Recipients Alliance, 116 E. 32nd St., Mpls. 55404

Minn.State Pharmaceutical Ass. 2388 Univ. Ave., St. Paul 55104

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Moratzka, Timothy 1304 Vermillion St., Hastings 55033

Neff, Walter S. (Dr.) Virginia 55792

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N.W. Mental Health Center, Inc., Box 603, Crookston 56716

Public Relief, Bd of Public Welfare, Att: Dir. Jensen, 250 S. 4th St., Mpls.

Rosenthal, Robert F., Hospital Adm. 2110 E. Center St., Rochester 55901

Sister Letitia M. Close, B.V.M., 415 Summit Ave., St. Paul 55102

Southwestern Mental Health Center, 306 N. McKenzie St., Luverne 56156

Upper Mississippi Mental Health Ct., Att: Dr. Howard C. Reid, 510 Beltrami, Bemidji

Usher, Janice, Isanti Co., Public Health Nursing Serv., 237 SW 2nd, Cambridge 55008

Veterans Affairs, Veterans Service Bldg., St. Paul 55155

Welfare Rights Organization, Stephen Parsons, 1118 Newton Ave. N, Mpls 55411

West Central Mental Health Center, 323 W. 6th St., Willmar 56201

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

In the Matter of the Proposed Rules 60 and 195
of the Minnesota Department of Public Welfare

AFFIDAVIT OF MAILING

ROBERT J. HAMPER, being first duly sworn, deposes and says:

That on the 20th day of August, 1976, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State.

Robert J. Hamper
ROBERT J. HAMPER

Subscribed and sworn to before me
this 20th day of August, 1976.

Margaret Holt
Margaret A. Holt

MARGARET HOLT
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sept. [illegible] 1977

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

ROBERT J. HAMPER, being duly sworn on oath deposes and states:

1. That he is an employee of the Department of Public Welfare of the State of Minnesota.

2. That on the 19th day of August, 1976, he went to the Minnesota Secretary of State's office and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to Minn. Stat. § 15.0412 (1974), as amended.

3. That on the 19th day of August, 1976, in response to the above request, the Secretary of State provided him with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Robert J. Hamper
ROBERT J. HAMPER

Subscribed and sworn to before me
this 19th day of August, 1976.

Margaret Holt
Margaret A. Holt

MARGARET HOLT
NOTARY PUBLIC-MINNESOTA

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS
ROOM 300 – 1745 UNIVERSITY AVENUE
ST. PAUL, MINNESOTA 55104
(612) 296-6910

RECEIVED
NOV 23 1976

November 22, 1976

Mr. Leo Fieder
Board on Aging
204 Metro Square Building
St. Paul, Minnesota 55101

Re: Minn. Rule DPW 195
HE Docket DPW-77-007-SM

Dear Mr. Fieder:

Enclosed is my report in this matter and the official record, except for the transcript which you already have.

I have also mailed a copy of the report to Ms. Gill.

Yours very truly,

Steve M. Mihalchick
Hearing Examiner

SMM:ecg
cc: Ms. Barbara Gill

PW-77-007-SM

STATE OF MINNESOTA
OFFICE OF HEARINGS EXAMINERS

FOR THE MINNESOTA BOARD ON AGING

RECEIVED
OCT 25 1976

In the matter of proposed Minnesota Rule DPW 195 relating to the Senior Companion Program.

REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing on September 24, 1976 in St. Paul before Steve M. Mihalchick, Hearing Examiner appointed by the Chief Hearing Examiner.

Barbara Gill, Special Assistant Attorney General, appeared for the Minnesota Board on Aging. Leo Feider, Gerald Bloedow and Arthur Weflen testified for the Board. Lois Wollen, Federal ACTION Agency and John Pribyl, State Director of the Federal Senior Companion Program, appeared at the hearing. No other persons attended the hearing.

Pursuant to Minn. Stat. §15.0412, subd. 4, and 15.052, subd. 4 Supp. 1975), this report shall be available to all affected individuals upon request for at least ten days before the Board takes any final action on the proposed rules.

The Board shall, if it proposes to adopt the rules as originally proposed or amended, submit the complete hearing record to the Chief Hearing Examiner no sooner than ten days subsequent to the receipt of this Report. The record shall include the rules as originally proposed and the rules as proposed for adoption in final form. The Chief Hearing Examiner shall complete his review and submit his report to the Board on the issues of substantial changes and compliance with Minn. Stat. §15.0412 within ten calendar days. Thereafter the Board will be responsible for filing the rules with the Attorney General.

Based upon the proceedings herein, the Examiner makes the following:

FINDINGS OF FACT

PROCEDURAL REQUIREMENTS

1. On August 20, 1976, the Board filed the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed rule;
(b) A proposed Order for Hearing; and
(c) A proposed Notice of Hearing.

2. On August 20, 1976, the Board mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice.

3. On August 23, 1976, the Notice of Hearing and a copy of the proposed rule were published at 1 State Register 254.

4. On September 1, 1976, the Board filed with the Office of Hearings Examiners the following documents:

(a) The Order for Hearing;
(b) The Notice of Hearing as mailed;
(c) The affidavit of receipt of the Secretary of State's list;
(d) The Affidavit of Mailing;
(e) The Statement of Need;
(f) The names of Board personnel who will represent the agency and statutory citations.

5. On September 9, 1976, the Board filed the following documents:

(a) An Amended Statement of Need; and
(b) An Amended Statement of Evidence.

6. All documents were available for examination from the date of filing. Nobody examined them.

7. The record remained open until October 14, 1976 for the receipt of additional comments.

STATUTORY AUTHORITY

8. Minn. Laws 1976, Ch. 323 [Coded Minn. Stat. §256.977] is the Minnesota Senior Companion Act. It established the State's Senior Companion Program (SCP). Minn. Stat. §256.977, subd. 5 provides:

> RULES. The Minnesota Board on Aging shall promulgate rules necessary to implement the provisions of this act and may employ necessary assistance in performing its administrative duties. Rules adopted shall be consistent with applicable federal guidelines.

The federal guidelines are found in 45 C.F.R. Part 1207.

9. The Minnesota Board on Aging was previously known as the Governor's Citizens Council on Aging. Minn. Stat. §256.975 and Laws 1975, Ch. 271, §3(10). It is administratively supported by the Department of Public Welfare. Laws 1976, Ch. 323, §3.

NEED AND REASONABLENESS

10. Proposed Minn. Rule DPW 195A, entitled "Applicability and

Purpose" and its two sub-sections, "1. Authority" and "2. Purpose" are necessary citations of the authority deriving from the Act and the intent to engage the services of low income people age 60 and older in providing supportive person to person assistance to handicapped adults. While some of the handicapped persons receiving this assistance may be residents of group homes, nursing homes, or institutions, sub-section "2. Purpose" cites persons living in their own homes as the priority intended in the Act.

Under the Act, the Department of Public Welfare has no authority in the adoption of these rules and therefore the reference to the Department in A.i. should be deleted.

11. DPW 195 B is the definitions section and is necessary to clarify the terms used in the Act and rule. The definitions are reasonable. Comment was made on paragraph 195 B.7., the definition of Volunteer Station (Tr. p. 15, Public's Ex. 1). It was agreed that the phrase "a private home" could be confusing and should be deleted. The change is not substantial.

12. DPW 195 C, Sponsor, is necessary to describe the basic conditions that would-be sponsors must meet.

Funding contracts with reputable, qualified agencies are intended to get the direct administration of services out of the the State Agency under terms that are mutually understood, that are consistent with the program's purposes, and that provide a base for accountability.

A sponsor may not be a volunteer station (sub-section 1.c.) because to be so would raise question about its motivation in the assignment of senior companions to its own services or facilities.

The intent of the Act is to give priority to services to people in their own homes. It is reasonable to repeat this priority in section C.2. to insure that sponsors include it in their applications.

This section of the rule is reasonable because it is based on federal and state experience with the similar foster grandparent program.

13. Section D, entitled "SCP advisory council", is necessary to keep project structure and operations "consistent with applicable federal guidelines". It is reasonable because experience with

advisory councils in other community service programs for the elderly -- and especially those originating with federal Older Americans Act, and ACTION programs -- have shown them to be good instruments for keeping programs related to the needs of the communities and people they would serve.

14. DPW 195 E., Service Area, is necessary and reasonable because two or more projects in the same or overlapping areas would create competition and confusion in recruitment of volunteer stations and Senior Companions; cost effectiveness would be lowered.

15. Section F, Volunteer stations, is necessary to insure clarity of understanding between project and volunteer stations (the person or facilities to which the senior companions activities are directed), between project and senior companions, and between senior companions and the persons they serve. Such clarity is necessary to keep activities and relationships purposive. The program is not intended to be one of aimless, sporadic friendly visiting; it is not intended to prop up unlicensed or below standard facilities or services. The policies are reasonable in that they recognize that the needs and circumstances of both volunteer and person served are varied and subject to change. As noted in Finding #11, some confusion exists in the use of the phrase "private home" and it was agreed that deleting the clause "other than a private home", in F.2. would help to clarify the rule. Again, it would not be a substantial change.

16. Section G., eligibility of senior companions, is necessary to describe the basic eligibility factors. The explicit detail of these policies is justified because the program is new and the demand for participation will be high.

The criterion "no longer in the regular work force" appears in all federal regulations and guidelines for programs using volunteers receiving stipends. It does not bar the temporary, occasional work many older people engage in, nor the sheltered work and training for handicapped.

The ACTION Agency's comment (Public Exhibit 1) pointed out that G4, regarding termination of senior companions for increases

in income differed from the federal guidelines. Mr. Feider pointed out that the Act is explicit on this point and does, in fact, differ from the federal guidelines. The program is not federally funded and, therefore, following the federal guidelines is not required by federal statute or regulations. The requirement to follow the federal guidelines comes only from the Act, and therefore, where the Act is inconsistent with the federal guidelines, the Act must prevail.

The ACTION Agency also pointed out that 45 C.F.R. §1207.4-1(a) requires that senior companions pass a physical examination and that no such provision appears in the rule. No objection was made to a suggestion that the rule be so modified. Under the legislative directive to follow the federal guidelines, it is necessary and reasonable.

17. Section H, Service schedule, is necessary to define the maximum work week and other conditions of service as a senior companion. The provisions restate and clarify terms described in the Act and the federal guidelines and are reasonable.

18. Section I, Adults Served, is necessary to detail priorities intended in the Act, and follows the federal guidelines. It reasonably describes the mechanics of selecting the persons to be served by the program.

19. Section J allows the Board to "develop and promulgate policy guidelines and forms" consistent with the Act and rule for administration of the program. It was suggested and agreed that the word "policy" be changed to "interpretive". In such form the rule is reasonable. It is necessary in any program to make administrative interpretations of detailed points. As long as the interpretations are not "rules" under Chapter 15, such authority is reasonable.

20. Section K, Cost sharing, is necessary and reasonable because the 90-10 ratio is consistent with federal ratios specified for federal foster grandparent and senior companion programs and was clearly specified by the legislature to be the funding ratio for the beginning of this new program.

21. Section L, Grant awards, suspension, termination, is reasonable because these policies are consistent with those of the similar federal programs. They are necessary as explicit statements of information and instruction that can justify such consequential actions as grant awards or denials, suspensions, and terminations.

22. The representatives of the federal agencies at the hearing strongly endorsed the proposed rule.

CONCLUSIONS

1. The Board has demonstrated its statutory authority to adopt this rule.

2. All procedural requirements of law and rule have been fulfilled.

A technical error exists in that the Order for Hearing and the Notice of Hearing were issued over the signature of the Commissioner of Public Welfare. They should have been issued by the Board on Aging which has the authority to adopt and implement this rule. Alternatively, the Board could have authorized the Commissioner to order and give notice of the hearing. The notice correctly states that the rule is to be promulgated under the authority of Laws 1976, Ch. 323. Further, the rule was drafted by the Board, the hearing presentation was made by the Board and all the notice and comment requirements of Minn. Stat. §15.0412 have been fulfilled. The Examiner has been informed subsequent to the hearing that the Board approved the proposed rule and its submission to the hearing process. If a formal resolution to that effect exists, it should be included in the record submitted to the Attorney General. If not, the Board should adopt a resolution adopting the action of the Commissioner of Public Welfare in ordering and giving notice of the hearing as its own. In either case, it is the Board who must adopt a resolution authorizing its Executive Secretary to issue the order adopting the rule. Whether the rule remains designated Minn. Rule DPW 195 is a question of administrative requirements.

3. The Board has demonstrated the need for and reasonableness of the proposed rule. Non-substantial changes recommended at the hearing would improve some of the language.

RECOMMENDATION

The Hearing Examiner hereby recommends that the proposed rule be modified as suggested at the hearing and, that so modified, it be adopted by the Board on Aging.

So ordered this 19th day of November, 1976.

Steve M. Mihalchick
Hearing Examiner

Original

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE--BOARD ON AGING

IN THE MATTER OF THE PROPOSED ADOPTION
OF RULES OF THE BOARD ON AGING GOVERNING
MINNESOTA SENIOR COMPANION PROGRAM.

ORDER ADOPTING RULES

The above entitled matter came on for hearing before Steve M. Mihalchick of the Minnesota Office of Hearing Examiners on the 24 day of September, 1976, at 9:00 A.M., in the (State Office Building Auditorium, St. Paul, Minnesota), after proper notice required by M.S. 1975, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

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

NOW, THEREFORE, IT IS ORDERED that these rules identified as Minnesota Rule DPW 195 relating to the Senior Companion Program are adopted this 19th day of November, 1976, pursuant to authority vested in me by Minnesota Laws 1976, Chapter 323 [Coded Minnesota Statute 256.977].

STATE OF MINNESOTA
BOARD ON AGING

Gerald A. Bloedow

Gerald A. Bloedow, Executive Secretary

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS
ROOM 300 - 1745 UNIVERSITY AVENUE
ST. PAUL, MINNESOTA 55104
(612) 296-6910

December 29, 1976

Mr. Gerald A. Bloedow
Executive Secretary
Governor's Citizens Council on Aging
204 Metro Square Building
7th and Robert Streets
St. Paul, Minnesota 55101

Re: IN THE MATTER OF PROPOSED MINNESOTA RULE DPW 195
RELATING TO THE SENIOR COMPANION PROGRAM
DPW-77-007-SM

Dear Mr. Bloedow:

Enclosed please find the hearing record which you submitted to us for review on the issue of substantial change together with the Report of the Chief Hearing Examiner, pursuant to Minn. Stat. §15.052, Subd. 3.

Please note that the original Report of Hearing Examiner and transcript are part of the official record and should be included when the file is submitted to the Attorney General.

Yours very truly,

DUANE R. HARVES
Chief Hearing Examiner

DRH:sh
Encs.

DPW-77-007-SM

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE MINNESOTA BOARD ON AGING

IN THE MATTER OF PROPOSED MINNESOTA) RULE DPW 195 RELATING TO THE SENIOR) COMPANION PROGRAM.)

REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on September 24, 1976, before Steve M. Mihalchick, a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. §15.0412, Subd. 4; and

WHEREAS, the Report of Hearing Examiner made pursuant to Minn. Stat. §15.052, Subd. 3, was issued to the Board on Aging on November 19, 1976; and

WHEREAS, the Board on Aging has now determined to adopt rules pursuant to Minn. Stat. §15.0412, Subd. 4; and

WHEREAS, the Board on Aging has submitted said rule to the Chief Hearing Examiner for review pursuant to Minn. Stat. §15.052, Subd. 4, and Rule HE 107; and

WHEREAS, the Chief Hearing Examiner finds that the final proposed rule is not substantially different from that proposed at the public hearing and that the Board has met all requirements of Minn. Stat. §15.0412, Subd. 4.

NOW, THEREFORE, upon receipt of this Report, the Board on Aging has the responsibility of submitting the complete hearing record and the rule as adopted by the Department to the Attorney General and to publish in the State Register, all pursuant to Minn. Stat. §15.0412, Subd. 4.

Dated this 30th day of December, 1976.

DUANE R. HARVES
Chief Hearing Examiner

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Barbara Gill, do hereby declare that I have examined proposed Rule 195 and all related documents and that, based upon them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

Barbara D. Gill

BARBARA GILL

Dated: January 14, 1977